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PORT OF SAN FRANCISCO
CITY AND COUNTY OF SAN FRANCISCO
3100 FERRY BUILDING
SAN FRANCISCO, CALIFORNIA 94111

AGENDA

WEDNESDAY, January 8, 1992 AT 4:00 P.M.

1. ROLL CALL

   a) Election of Officers for 1992

2. APPROVAL OF MINUTES

3. EXECUTIVE DIRECTOR'S REPORT

   Status Report on Waterfront Land Use Plan

4. FINANCE & ADMINISTRATION

   a) Financial Reports

   b) Presentation of FY 92/93 Budget

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5. PROPERTY & MAINTENANCE

   a) Consent Calendar of Leases: Resolution No. 92-4
   Waterfront Container Leasing Co. Inc. Agriculture Bldg.200, 3 years.
   Fresh Fish Co., Pier 28, 5-year lease, Fish Handling.
   Amendment to Flying Dutchman lease, Pier 27, 1/2 for office and parking.

   b) Excursion Boat Pricing Program at Piers 3 and 9 Resolution No. 92-5

   c) Sales & Rent Report, October 1991.

6. MARITIME

7. PLANNING & ENGINEERING

   a) Authorization to advertise for bids for construction of improvements at North Container Terminal Resolution NO. 92-6

   b) Request approval of Moffett & Nichol contract modification Pier 45 Resolution No. 91-112

   c) Request approval of professional services contract with Carol Brown, Fisheries Consultant. Resolution No. 91-114

   d) Ferry Building Internal Repairs modification Resolution No. 91-115

   e) Status Report on Urban Design of Waterfront Transportation Projects, including tree species selection.

8. LEGAL

   An executive session is calendared for discussion of potential lease renegotiations between the Port of San Francisco and Westcap Heritage Investors. An executive session to discuss the matter is specifically authorized under California Government Code Section 54956.8.

9. NEW BUSINESS

10. ADJOURNMENT

(Public comment will be permitted on any matter within Port Commission jurisdiction, and is not limited to agenda only.)

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SAN FRANCISCO PORT COMMISSION
CITY and COUNTY OF SAN FRANCISCO
SUITE 3100 FERRY BUILDING
SAN FRANCISCO, CALIFORNIA

Wednesday, January 8, 1992 Commission Meeting

M I N U T E S

The regular meeting of the San Francisco Port Commission was called to order at 4 o'clock p.m. by President James Herman.

1. ROLL CALL

PRESENT: James R. Herman, President
James M. Bouskos, Vice President
Anne Halsted, Commissioner
Douglas F. Wong, Commissioner
Dr. Arthur Coleman, Commissioner

a) The first order of business was the election of officers for the year 1992. Dr. Coleman nominated Commissioner James Bouskos for the office of president, and James Herman as vice-president. and this was seconded by Commissioner Halsted, and carried.

Mr. Herman turned over the gavel of office of president to President Bouskos, and moved to the vice-president's position at the table.

2. APPROVAL OF MINUTES

The minutes of the meeting for December 11, 1991 were approved by motion of Commissioner Halsted, seconded by Commissioner Coleman, and carried.

3. EXECUTIVE DIRECTOR'S REPORT

Mr. Huerta reported to the Commission on the status of the Waterfront Land Use Plan, which has been underway for the last several months. The Advisory Board's function is to advise on the preparation of a land use plan and provide the Commission with suggestions for the best uses for the Port's seven and one-half miles of waterfront. The board has been learning about the regulatory framework, past projects, projects in progress, and unsuccessful projects. The Advisory Board was presented with the Port's strategic plan in October to enable them to see what is actually happening on the waterfront. Details regarding the Port's financial situation were provided to them and some of the issues being confronted as projects become more expensive.

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Many of the board members expressed concern that economic factors could preclude desirable land uses in favor of less desirable ones simply based on financial reasons. Above all, the board felt that whatever plan results from this process, it must be implementable.

The next step in the process will be to assess the water-dependent uses such as shipping, fishing, ship repair, ferries, cruises, and the like. In the second phase of the planning effort the board will assess the remaining Port property for other desirable uses such as non-maritime, public and commercial recreation, and in the third phase the board will be reconcile and combine these for evaluation with respect to overall compatability, financial feasibility, and environmental impact.

The death of Jack Morrison has created an opening on the board which the Commission needs to fill, and Curt Rodby, of Ned Lloyd has asked to be replaced on the board because of his heavy travel schedule. At the next Commission meeting, staff will propose Ms. Sue Bierman to replace former Commissioner Jack Morrison, and an associate of Mr. Rodby from Ned Lloyd to continue the shipping industry's representation on the board.

Mr. Robert Tufts, Advisory Board Chairman, addressed the Commission, extolling the efforts of his fellow board members as well as those of the staff.

4. FINANCE & ADMINISTRATION

a) Three financial reports were submitted for consideration and approval by the Commission; refunds and allowances, sales & rent for October, and accounts receivable status.

ACTION: Approval was moved by Commissioner Halsted, seconded by Commissioner Coleman, carried.

b) The Port budget for 1992-93 was presented to the Commission for review. Mr. Kutnick, fiscal officer, stated that approval of the budget would be sought at the next Commission meeting.

5. PROPERTY & MAINTENANCE

Under the consent calendar, the Commission deferred consideration of two leases pending further discussion. Commissioner Herman cited his reluctance to give a five-year lease for this type of operation at this location. The amendment to the Flying Dutchman lease was also deferred.

ACTION: It was moved, seconded, carried to approve a 3-year lease to the Waterfront Container Leasing Company, in the Agriculture Building.

President Bouskos requested that Item 5b, consideration of an excursion boat pricing program at Piers 3 and 9, be deferred pending further discussion.

Discussion followed on the sales and rent report for October 1991, and it was noted that sales were up 4% at the Fisherman's Wharf restaurants.

6. MARITIME

7. PLANNING & ENGINEERING

a) The Commission authorized staff to advertise for bids for construction of improvements at the North Container Terminal, Pier 80, which requires a major upgrade. The depressed interior part of the pier will be raised, and paved, the overhead electric distribution system will be replaced with an underground system, new refrigeration lines with greater capacity and up-to-date plug arrays will also be constructed. The proposed bid opening date is February 25, and the time of completion will be 300 calendar days.

ACTION: Moved by Commissioner Herman, seconded by Commissioner Halsted, carried.

Items b) and c) to approve contracts for Pier 45 with Moffett & Nichol, and Carol Brown, were deferred until the next meeting.

d) The Commission next considered a modification to a contract for earthquake repair work to the Ferry Building, and took the following action.

ACTION: Moved by Commissioner Halsted, seconded by Commissioner Coleman, carried.

e) The next matter presented to the Commission was a status report on the urban design of the Waterfront Transportation Projects, and Ms Peg Divine, Project Manager, addressed the Commission. Specifically, Ms Divine presented the issue of tree selection for placement in the median of the Embarcadero. A lengthy and detailed study ensued resulting in total of sixteen trees making it to the final selection. Of those, the top three choices are some variety of palm tree. The Commission looked at schematic drawings of the Embarcadero illustrating the roadway with the canary palm tree placed at intervals of 25 to 30 ft., and reviewed the comprehensive graph comparing each species of tree from the perspective of growth, adaptability, maintenance, and suitability to the environment.

The public was invited to inspect the model of the roadway with the trees in place, and at the completion of staff's presentation, was asked to express an opinion.

Nine people did so, with most of the testimony in favor of the Canary Island Palm due to its low maintenance, survivability, fast growth rate, and distinctive classic appearance.

The Commission received the report on this matter, with no action taken at this time. Commissioner Coleman expressed the hope that the public will take an active part in the selection process because the Commission wants to be responsive to the public's wishes.

The Commission concluded the public meeting at 5:40 P.M. and withdrew to executive session for discussion of potential lease renegotiations between the Port and Westcap Heritage. At the conclusion of the executive session, the Deputy City Attorney said no decision had been reached.

The meeting adjourned at 6:35 p.m.

PORT OF SAN FRANCISCO
CITY AND COUNTY OF SAN FRANCISCO
3100 FERRY BUILDING
SAN FRANCISCO, CALIFORNIA 94111

AGENDA

WEDNESDAY, January 22, 1992 AT 4:00 P.M.

1. ROLL CALL

2. APPROVAL OF MINUTES

3. EXECUTIVE DIRECTOR'S REPORT

   a) Ship Repair Pricing Resolution — Resolution No. 92-7

   b) Appointment of Replacement Members to Waterfront Advisory Board. Resolution No. 92-11

   c) Status Report on Port Whaleboat Team

4. FINANCE & ADMINISTRATION

   a) Approval and adoption of FY 92/93 Budget — Resolution No. 92-12

5. PROPERTY & MAINTENANCE

   a) Consent Calendar of Leases: — Resolution No. 92-4
   Lease No. L-11675 - Fresh Fish Company, Pier 28, 5 year lease
   Lease No. L-11375 - Flying Dutchman Park Inc., Pier 27 Administration Building, amendment to lease.
   Lease No. L-11648 - T. C. Coach, dba TOUR CAL, SWL 337, 50 Mission Rock, month-to-month.

   b) Excursion Boat Pricing Program at Piers 3 / 9. — Resolution No. 92-5

   c) Sales and Rent Report

6. MARITIME

7. PLANNING & ENGINEERING

   a) Authorization to Modify Contract No. SA3992026, "Ferry Building Earthquake Damage, Seismic Analysis and Repair Design" with H.J. Degenkolb Associates to provide design services for Phase II repairs. Resolution No. 92-10

   b) Request approval of Moffett & Nichol contract modification Pier 45 (item to be continued until next meeting) Resolution No. 91-112

   c) Request approval of professional services contract with Carol Brown, Fisheries Consultant. Resolution No. 91-114
   (carried over from previous meeting)

   d) Request approval of palm trees for the median of The Embarcadero Resolution No. 92-13

8. LEGAL

9. NEW BUSINESS

10. ADJOURNMENT

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SAN FRANCISCO PORT COMMISSION
CITY and COUNTY OF SAN FRANCISCO
SUITE 3100 FERRY BUILDING
SAN FRANCISCO, CALIFORNIA

Wednesday, January 22, 1992 Commission Meeting

M I N U T E S

The regular meeting of the San Francisco Port Commission was called to order at 4 o'clock p.m. by President James Bouskos.

1. ROLL CALL

PRESENT: James M. Bouskos, President
James R. Herman, Vice President
Anne Halsted, Commissioner
Douglas F. Wong, Commissioner
Dr. Arthur Coleman, Commissioner

2. APPROVAL OF MINUTES

The minutes of the meeting for January 8, 1992 were approved by motion of Commissioner Herman, seconded by Commissioner Halsted, and carried.

3. EXECUTIVE DIRECTOR'S REPORT

Item 3(c) was deferred at staff's request until the following Commission meeting. Mr. Huerta presented a resolution for Commission approval in conjunction with the Ship Repair Survival Plan. The Commission in support of revitalization efforts for the industry passed Resolution No. 92-7 approving a fee concession program granting dockage waiver to carriers who contract to have repair work performed on Port property during a regular cargo or passenger ship call. Mr. Huerta gave the following example: If a cargo or passenger carrier, during a regularly scheduled call, has $50,000 worth or repair work completed by a San Francisco based ship repair firm the carrier's dockage bill generated by that call, which on average equals $1,000 per day, would be waived by the Port by either $10,000 (20% of the repair bill) or $1,000 per day, whichever is less.

ACTION: Moved by Commissioner Herman, seconded by Commissioner Halsted, carried.

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3(b) The Commission was requested to approve Resolution No. 92-11 appointing Tom Walker and Sue Bierman as replacement members on the Waterfront Plan Advisory Board, and seeking a recommendation from Mayor Frank Jordan to replace the position on this board which is reserved for a San Francisco Planning Commissioner. Staff indicated that the proposed replacements have been endorsed unanimously by the present Advisory Board.

ACTION: Moved by Commissioner Halsted, seconded by Commissioner Herman, carried.

4. FINANCE & ADMINISTRATION

The Port's 1992/93 budget was presented for review on January 8, 1992. With revisions proposed by staff to add $23,647 in expenditures, the Commission was asked to approve the budget as now submitted. Staff will request Commission approval for any further revisions that may become necessary in the future. The Commission took the following action.

ACTION: Moved by Commissioner Coleman, seconded by Commissioner Herman, carried to approve the Port 1992/93 budget as submitted.

5. PROPERTY & MAINTENANCE

Under the consent calendar, staff noted the omission of Lease L-11676 from today's agenda, and asked for a postponement until the next Commission meeting. The Commission approved Lease No. L-11675, L-11375, and Lease No. L-11648.

Commissioner Herman asked whether the Fresh Fish Company which is getting a five-year lease, clearly understood that in the event that Pier 45 repairs are completed, the Port has the right to exercise an early termination clause with one year's notification. He further asked for clarity on the Commission's part so that there is sufficient protection with respect to the one year notification to constitute agreement that there will be adherence to that condition. In other words, that it be spelled out in a no-nonsense way that the lessee is clear with respect to this condition. Commissioner Herman emphasized that he wanted it clear between staff and the Commission that when Pier 45 is ready that there will be no misunderstanding that one-year's notification will suffice

Staff asked if this is to apply to all future leases for finger piers, and Commissioner Herman assented and cautioned that any five-year lease should be carefully evaluated.

ACTION: Resolution 92-14 was moved by Commissioner Halsted, seconded by Commissioner Coleman, carried.

Item 5(b) Excursion Boat Pricing Program at Piers 3/9 was deferred until the next meeting.

5(c) The sales and rent report was reviewed, reflecting sales up by 5% in the Fisherman's Wharf restaurants, and up 23% in other businesses at the Wharf. Other restaurants' sales were up 1%, with other retail sales down 31%.

6. MARITIME

7. PLANNING & ENGINEERING

a) Commission authorization was sought and granted to staff to modify Contract No. SA3992026 for $50,000 to allow H. J. Degenkolb Associates to proceed with the design of Stage II Ferry Building repair work. This work encompasses design and plans and specification for strengthening the south wing and tower to prevent collapse of the Ferry Building in the event of another earthquake.

ACTION: Resolution No. 92-10 was moved by Commissioner Halsted, seconded by Commissioner Halsted, carried.

Items b) was deferred until the next meeting.

c) The Commission approved a modification to the professional services contract with Carol M. Brown, Fisheries Consultant in the amount of $45,000, extending the contract until December 31, 1992. Under the modification Ms. Brown will provide fisheries and development consultant services to complete the Pier 45 Earthquake Repair Project.

ACTION: Resolution No. 91-114 was approved by motion of Commissioner Coleman, seconded by Commissioner Halsted, carried.

d) On January 8, 1992 the Commission was given a report on the overall status of the Waterfront Transportation Projects by Peg Divine of the CAO's office. The presentation included the recommendation of the Phoenix Canariensis (Canary Island Date Palm) as the tree species for the median planting area on the south and north Embarcadero.

In an effort to elicit further professional and public opinion, the Commission received testimony from Mr. Rudy Nothenberg, City's Chief Administrative Officer, who recounted that in the original design there were no trees in the median. He urged the Commission to make a speedy decision since a determination had now been made to include trees and not delay its vote. He characterized this as an integral part of the complex $400 million waterfront transportation project.

Ms. Divine presented montage photographs depicting the Embarcadero with proposed palm trees in place, and asked the Commission to consider alternative spacing of the trees. One option was to place the trees at 100 feet intervals, and another suggestion was a staggered 70 feet, 30 feet spacing.

Paul Osmundson, Port staff person, informed the Commission of the Port's survey to determine the public's opinion about the issue, resulting in those in favor of the palm trees outnumbering those opposed by two to one.

President Bouskos called for public testimony on the matter, and the following persons testified.

John Bush, opposed
Dehnert Queen, opposed
Dr. Francis Clauss, opposed
Bob Warren, opposed
Marshall Sanders, opposed
Bob Tibbits, opposed
Nan Roth, opposed.
Francis Violich, opposed

Neil Malloch, affirmative.
George Williams, affirmative
Jane Davis, affirmative
Mark Green, affirmative
Sharon Korotkin, affirmative
L. Biesbroeck-Hannah, affirmative
Nan McGuire, affirmative
Dr. Isabel Wade, affirmative
Virginia Conway, affirmative.
Nicki Rothman, affirmative
Michael Levin, delay decision

At the conclusion of public testimony, President Bouskos asked for Commission comment.

Commissioner Halsted read a statement from John Kriken, president, Civic Design Arts Committee, of the Arts Commission, requesting the Commission to postpone its decision on this matter pending more study of the issue.
Commissioner Herman voiced his concern about the number and placement of the palm trees, suggesting that the trees be more widely spaced so as to "protect the full magnificence of the boulevard".

Commissioner Halsted further opined that the palm tree would obscure fewer views than any other tree, and would be her choice.

Commissioner Coleman moved approval of Resolution No. 92-13 to concur with the recommendations of the Waterfront Transportation Projects parties and agencies in approving the Phoenix Canariensis as the tree species for the median island of the Emarbarcadero roadway.

Commissioner Herman amended the motion, rejecting the 70- and 30-foot staggered spacing, and asked for additional study on the spacing aspect. Discussion followed on the amendment; the final outcome being adoption of the resolution as amended to plant the palm trees at 100-foot intervals on either side of the transit center strip.

ACTION: Moved by Commissioner Halsted, seconded by Commissioner Coleman, carried.

This concluded the business of the meeting, and the Commission adjourned at 6:40 p.m. by motion of Commissioner Halsted, seconded by Commissioner Coleman, carried.

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PORT OF SAN FRANCISCO
CITY AND COUNTY OF SAN FRANCISCO
3100 FERRY BUILDING
SAN FRANCISCO, CALIFORNIA 94111

AGENDA

WEDNESDAY, February 12, 1992 AT 4:00 P.M.

1. ROLL CALL

2. APPROVAL OF MINUTES

3. EXECUTIVE DIRECTOR'S REPORT

   a) Report on Port's Latin America Trade Fair scheduled for February 25, 1992.

   b) Annual Report on Portstar, the Port's whaleboat.

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4. FINANCE & ADMINISTRATION

   a) Financial reports

   b) Review of Port Budget FY 1992/93

5. PROPERTY & MAINTENANCE

   a) Consent Calendar of Leases: Resolution No. 92-15
   L-11676, Sea Engineering, Inc., Agriculture Bldg. #214, 1 year
   L-11681, Golden Gate Funding, Inc. WTC 234(G) 2 year lease, office equipment.
   L-11677, Pacific Coast Coffee Association, Agriculture Bldg. #208, 1 year lease, trade promotion.
   L-11683, Panelight Display Systems, Inc., Agriculture Bldg. #100A, #106, 2 year lease, telemarketing LCD computer panels.

   b) Adoption of Excursion Vessel Project, Piers 3-9 (continued from previous meeting) Resolution No. 92-5

   c) Authorizing Executive Director to execute estoppel certificate in connection with financing for Blue Jeans Equity West. Resolution No. 92-22

6. MARITIME

   a) Approval of Lease with Superstructures Inc. for certain portions of Seawall Lot 352. Resolution No. 92-18

7. PLANNING & ENGINEERING

   a) Request approval of Moffatt & Nichol contract modification Pier 45 (continued from previous meeting) Resolution No. 91-112

8. LEGAL

   An executive session is scheduled for settlement of claim with Hewitt Industrial Supply, and is specifically authorized under California Government Code Section 54956.9, subsection (b)(1).

9. NEW BUSINESS

10. ADJOURNMENT

(Public comment will be permitted on any matter within Port Commission jurisdiction, and is not limited to agenda only.)

SAN FRANCISCO PORT COMMISSION
CITY and COUNTY OF SAN FRANCISCO
SUITE 3100 FERRY BUILDING
SAN FRANCISCO, CALIFORNIA

Wednesday, February 12, 1992 Commission Meeting

M I N U T E S

The regular meeting of the San Francisco Port Commission was called to order at 4 o'clock p.m. by President James Bouskos, who said Commissioner Douglas Wong was excused.

1. ROLL CALL

PRESENT: James M. Bouskos, President
James R. Herman, Vice President
Anne Halsted, Commissioner
Dr. Arthur Coleman, Commissioner

ABSENT: Douglas F. Wong, Commissioner

2. APPROVAL OF MINUTES

President Bouskos called for approval of the January 22, 1992 Commission minutes. It was so moved by Commissioner Coleman, seconded by Commissioner Halsted, and carried.

3. EXECUTIVE DIRECTOR'S REPORT

The Director reported that through the efforts of Jack Conrad, staff has secured a very favorable and competitive insurance package for the Port, resulting in substantial savings to us.

The Commission was advised about the forthcoming conference which is being hosted jointly by the Port and the Pacific Shipper on Latin America Trade. It is being be held at the Admiral Nimitz Conference Center, on Treasure Island on Tuesday, February 25. Commissioners were urged to contact Terry Hamid of the maritime department if they are interested in attending.

The Commission received the annual report on the Port whaleboat, Portstar, from its captain, Fred Girard. He thanked the Commission for its continued support, promised the dedicated effort of the team for first place, and asked for sign-ups from the Commission to join the team.

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4. FINANCE & ADMINISTRATION

Staff presented one financial report to the Commission, and asked for approval of refunds and allowances in the amount of $5.00.

ACTION: Moved by Commissioner Halsted , seconded by Commissioner Coleman, carried.

Mr. Kutnick discussed the new requirements impacting the Port's 1992/93 budget as a result of the Mayor's budget instructions of January 9, and indicated a task schedule has been developed to accomplish these. Although as a revenue-producing department, the Port is exempt from the ten percent reduction, staff, in a spirit of cooperation, will review its budget in response to the Mayor's instructions. Mr. Kutnick will report individually to the Commission with any revisions.

5. PROPERTY & MAINTENANCE

Staff presented the consent calendar of leases with a brief explanation and asked for Commission approval. President Bouskos asked that some accommodation be made for tenants adversely impacted by the continued presence of scaffolding in front of the Ferry Building, particularly the small business vendors such as the flower stand, the shoeshine stand, and the delicatessan. Ms. Schimke indicated that some adjustments have been made.

ACTION: Moved by Commissioner Halsted, seconded by Commissioner Coleman, carried.

It was requested that Item 5(b) be removed from the calendar pending further discussions with the principals involved, and this was so agreed.

Deputy City Attorney requested that the Commission authorize the Executive Director to execute an estoppel certificate to reaffirm that the lease of Blue Jeans Equities West with the Port is in good standing, and has not been modified or changed.

ACTION: It was moved, seconded, carried to approve Resolution No. 92-22.

6. MARITIME

The Commission was requested to approve a lease with Superstructures, Inc. for certain portions of Seawall Lot 352 to be used for reclamation, crushing, recycling and distribution of concrete, and other materials. Reclamation or storage of dirt and topsoil are specifically prohibited because of concerns of contamination. This lease was renegotiated to include additional space, a new rental rate, use, and security. Discussion followed regarding the brevity of the lease term, and staff indicated that the short term lease was preferred by Superstructures, Inc. at the present time.

ACTION: Moved by Commissioner Herman, seconded by Commissioner Coleman, carried.

7. PLANNING & ENGINEERING

The Commisssion agreed to postpone Item 7(a) a modification to the Moffatt & Nichol contract, and remove this item from the calendar pending further negotiations.

8. LEGAL

The Commission withdrew to executive session for discussion of settlement of a claim with Hewitt Industrial Supply Company, said executive session is specifically authorized under California Government Code Section 54956.9, subsection (b)(1).

At its conclusion, Deputy City Attorney reported that the Commission agreed to a settlement with Hewitt Industrial Supply Company.

9. NEW BUSINESS

Commissioner Halsted expressed her opinion that it was time for the Port to put a firm policy in place on sexual harrassment and asked staff to put one together and report back to the Commission with the policy, as well as an implementation plan. Commissioner Coleman asked if the City already has a policy on this issue, and suggested that if this is the case, it would be superfluous for the Port to develop another. Commissioner Coleman cited another situation in which the Port followed the City's directive concerning minority contractors and later found itself overruled by the City Attorney. Staff was directed to work with City Attorney and the Status of Women staff, and return to the Commission.

Commissioner Halsted spoke of attending the American Association of Port Authorities Conference for Governing Boards and Commissions in San Diego, in which she addressed the seminar on "Strategic Planning in Today's Port Environment". This was followed by a discussion period during which Halsted observed that a common denominator among most ports seems to be lack of public awareness or acceptance for public financing of port capital projects.

President Bouskos thanked Commissioner Halsted for her report, and asked if there was any further business. There being none, the president asked for a motion to adjourn. It was moved by Commissioner Herman, seconded by Commissioner Coleman to adjourn the meeting at 5:15 p.m.

Port Commission

PORT OF SAN FRANCISCO
CITY AND COUNTY OF SAN FRANCISCO
3100 FERRY BUILDING
SAN FRANCISCO, CALIFORNIA 94111

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A G E N D A

WEDNESDAY, February 26, 1992 AT 4:00 P.M.

1. ROLL CALL

2. APPROVAL OF MINUTES

3. EXECUTIVE DIRECTOR'S REPORT

4. FINANCE & ADMINISTRATION

5. PROPERTY & MAINTENANCE

   a) Consent Calendar of Leases: Resolution No. 92-24
   L-11684, Philip Williams Associates, Ltd..Pier 35, 2nd floor, hydrologist offices.
   L-11633, D. F. Leary & Associates, WTC 328, insurance office, 2 year lease.
   L-11685, Intership Inc., WTC 266, import/export office, 1 year lease.
   L-11686, Cornerstone Marketing, WTC 250-P, 6 months lease, realtor's office.

   b) Authorization to issue a request for proposals (RFP) for a five-year lease to manage and operate special events at Pier 35, when this facility is not needed for cruise ship activities.
   Resolution No. 92-25

6. MARITIME

7. PLANNING & ENGINEERING

   a) Authorization to award Contract No. 2581 - compaction grouting in Sheds A, B & C, and in areas between sheds on Pier 45 (Phase II of the Pier 45 Earthquake Damage Repair Project).
   Resolution No. 92-26

8. LEGAL

9. NEW BUSINESS

10. ADJOURNMENT

(Public comment will be permitted on any matter within Port Commission jurisdiction, and is not limited to agenda only.)

SAN FRANCISCO PORT COMMISSION
CITY and COUNTY OF SAN FRANCISCO
SUITE 3100 FERRY BUILDING
SAN FRANCISCO, CALIFORNIA

Wednesday, February 26, 1992 Commission Meeting

M I N U T E S

The regular meeting of the San Francisco Port Commission convened at 4 o'clock p.m. by President James Bouskos. All were present with the exception of Commissioner Herman who was unable to attend.

1. ROLL CALL

PRESENT: James M. Bouskos, President
Douglas F. Wong, Commissioner
Anne Halsted, Commissioner
Dr. Arthur Coleman, Commissioner

ABSENT: James R. Herman, Vice President

2. APPROVAL OF MINUTES

The minutes for the meeting of February 12, 1992 were approved by the following action.

ACTION: Moved by Commissioner Coleman, seconded by Commissioner Halsted, and carried.

3. EXECUTIVE DIRECTOR'S REPORT

Mr. Huerta reported on the very successful Latin American Trade Fair held on February 25 at Treasure Island which was jointly sponsored by the Port and the Pacific Shipper. Participants James Bass of the Inter-American Development Bank, and Robert West, of Temple, Barker & Sloane, provided an overview of the economic situation of our Latin American trading partners. Keynote speaker Paul H. Blakeburn, Director of the Office of Bilateral Trade Affairs, for the State Department, spoke on the North America Free Trade Agreement.

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President Bouskos who attended the seminar was particularly appreciative of Mr. Terry Hamid's efforts in making the trade fair such a success, and thanked him on behalf of all the Commission for doing an excellent job.

Mr. Huerta next reported to the Commission that sexual harassment prevention training classes for managers and supervisors are scheduled for next week, in response to the Commission directive to develop and implement a policy and program on this issue. A subsequent session on follow-up training will take place in May. Staff also plans to report to the Commission on a more definitive policy.

Discussion followed on the recent newspaper article about Supervisor Maher's statement calling for demolition and removal of the Port's finger piers. The renewed call for demolition came in response to the release of Port staff report on breakbulk cargo which projected that the Port would see "flat" or "slow" growth in all breakbulk cargo areas, except coffee. Both Commissioner Bouskos and Michael Gallette, a member of the Advisory Committee, expressed chagrin that the supervisor did not wait for the recommendations of the waterfront advisory committee before making such a suggestion.

Mr. Huerta commented that Supervisor Maher agreed that made sense, but at the same time said he felt "it is time to tear down a number of piers so people can see the water again", and wanted to ensure discussion of this objective.

4. FINANCE & ADMINISTRATION

5. PROPERTY & MAINTENANCE

Staff presented the consent calendar of leases and asked to remove lease L-11686 from consideration. The Commission approved L-11684, 11633, 11685 by the following action.

ACTION: Moved by Commissioner Halsted, seconded by Commissioner Wong, carried.

In conjunction with item 5(b) issuance of an RFP for a management lease for special events at Pier 35, Commissioner Coleman asked that there be discussion only and no action be taken for two weeks. The Commissioner was disturbed that a Port program has not yet been developed to encourage disadvantaged and minority businesses and is therefore not applicable in this RFP.

President Bouskos concurred with Commissioner Coleman's request and asked that further comment wait until after the presentation.

Staff indicated the RFP contained three main elements:
a)an overview of the Port's goals for the project, which is to support the cruise industry, with the purpose of the proposal the selection of an event manager for better utilization of the pier and more revenue to the Port.
b)background on Pier 35, including description and condition of the pier, and the regulatory requirements governing the pier.
c)general use guidelines for activities and programs.

The proposals will be evaluated on the manager/owner's experience in marketing and management; conformance with the guidelines and the community's needs; and the economic feasibility of the proposed uses. The credit history and rent return to the Port will also be factors in the evaluation.

Coordinating activities with cruise ship arrivals and departures will be of major concern, although Metropolitan California Stevedore representatives noted that a one day turnaround will be a sufficient buffer to accommodate both cruise ship needs as well as the event schedule.

Michael Gallette, Fisherman's Wharf Tenants Association, expressed his concern that there could be a conflict with Festa's scheduled use of Pier 35, under new management.

President Bouskos assured him that these scheduling difficulties would all be worked out satisfactorily. Insofar as Commissioner Coleman's request to develop and incorporate a program for disadvantaged and minority businesses, it was agreed that staff will come back the Commission in one month's time.

6. MARITIME

7. PLANNING & ENGINEERING

The Chief Harbor Engineer asked the Commisssion to authorize the award of Contract No. 2581 for compaction grouting in Sheds A, B, & C at Pier 45, Phase II of the earthquake damage repair project to The Pressure Grout Co. at a total contract price of $1,163,000, and a 10% contingency.

President Bouskos expressed dissatisfaction with the growing practice of coming back to the Commission for contract modifications, and indicated his preference for reviewing this contractor's performance record in previous jobs, and how many times he's gone back and for how much more. before awarding him this contract.

Mr. Jarrard informed the Commission that although certain bid documents had been submitted beyond the bid date, it was the City Attorney's decision to accept them after the fact. In addition, a protest was filed by the second lowest bidder relating to the bid bond submitted by the first low bidder. After review by the City Attorney's office it, too, was found acceptable.

Mr. Pizza, Deputy City Attorney, explained, "that the protest was filed on the basis of an Insurance Code requirement which says that a bonding company can't write a single bond for more than ten percent of its capital. The letter of protest indicated that Merchants (who wrote the bid bond) had reserves of approximately $7.7 million and therefor could write a single bond for no more than $770,000. The protesting party felt that since the bid was for $1.1 which was in excess of $770,000, Merchants could not supply the bonding for this particular bidder."

Mr. Pizza continued, "This is a misunderstanding on the part of the protesting party. At the time of bid, the only bond required is a bid bond for 10 percent of the contract amount. In this case $116,000 which is well below what Merchants has the capability to provide. The specifications further require at the time the contract is awarded, they have to post a performance bond and a labor and materials bond for the full amount of the contract. There is no requirement that this be provided by the same bonding company. If at the time that we award this contract to this low bidder, they try to give us a bond from Merchants, obviously we will have to take a hard look at the bonding capacity of Merchants. If Merchants does not have that capacity, the contractor would be in a position of forfeiting his bid bond, because that is a requirement of the specs; that he be able to come up with a performance bond that meets the spec requirements. But at this time, the contractor is in full compliance."

Following this explanation, the Commission approved the award to The Pressure Grout Company.

ACTION: Moved by Commissioner Halsted, seconded by Commissioner Coleman, carried.

8. LEGAL

9. NEW BUSINESS

10. ADJOURNMENT

This concluded the business of the meeting, and the Commission meeting adjourned at 5:20 p.m. by motion of Commissioner Halsted, seconded by Commissioner Coleman, carried.

PORT OF SAN FRANCISCO
CITY AND COUNTY OF SAN FRANCISCO
3100 FERRY BUILDING
SAN FRANCISCO, CALIFORNIA 94111

AGENDA

WEDNESDAY, MARCH 11, 1992 AT 4:00 P.M.

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1. ROLL CALL

2. APPROVAL OF MINUTES

3. EXECUTIVE DIRECTOR'S REPORT

4. FINANCE & ADMINISTRATION

   a) Financial Reports

   b) 1992/93 Budget Revisions — Resolution No. 92-27

5. PROPERTY & MAINTENANCE

   a) Consent Calendar: — Resolution No. 92-28
   Lease L-11688, California Marine Affairs and Navigation, WTC 275m, 1 year, consultant office.
   Lease L-11689, Cavalini & Company, WTC 219, 1 year, import office.

   b) Waiver Request for Design Industries Foundation Benefit for AIDS and NAMES Project Foundation. — Resolution No. 92-29

6. MARITIME

   a) Amend the Management Agreement with Marine Terminals Corporation to modify the revenue sharing terms. — Resolution No. 92-32

   b) Termination of lease with Forest Terminals Corporation. — Resolution No. 92-33

7. PLANNING & ENGINEERING

   a) Construction traffic routing proposals for The Embarcadero, including temporary conversion of the promenade to a traffic lane.
   (Information only.)

8. LEGAL

9. NEW BUSINESS

10. ADJOURNMENT

(Public comment is permtted on any matter within Port Commission jurisdiction, and is not limited to agenda only.)

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PORT OF SAN FRANCISCO
CITY AND COUNTY OF SAN FRANCISCO
SUITE 3100, FERRY BUILDING

M I N U T E S

The San Francisco Port Commission convened in regular session in the Commission Room in the Ferry Building at 4:05 p.m. Wednesday, March 11, 1992.

1. ROLL CALL

PRESENT: President, James M. Bouskos
Anne Halsted, Commissioner
Douglas F. Wong, Commissioner
Dr. Arthur Coleman, Commissioner

ABSENT: James Herman, Vice President

2. APPROVAL OF MINUTES

The minutes of February 26, 1992 were approved on the motion of Commissioner Halsted, seconded by Commissioner Wong, and carried.

3. EXECUTIVE DIRECTOR'S REPORT

As requested at the Port Commission meeting of February 26 Mr. Huerta reported on the framework for a program that would encourage minority participation in Port leases. This information was requested in advance of the Commission taking any action on the RFP for Pier 35 discussed at the last meeting.

The greatest and most significant area in which the Port could encourage minority business participation is in those leases that constitute "business opportunities." These would include restaurants, parking lots and tour operations primarily. Office space space leases would not be described as business opportunities in this sense. The existing Port leases that constitute business opportunities have generally been held by long term tenants. Earlier the Port Commission had asked the staff informally to consider developing criteria for providing for lease extensions or new leases for existing tenants.

In developing a program for minority or disadvantaged businesses, staff would like the Commission to consider how it would relate to Port's policies that would govern lease extensions or new leases with existing tenants. This is important because if we wish to have a policy that enables us to extend leases with existing tenants, there will be few opportunities for minority businesses to be granted leases constituting business opportunities in the near term.

Developing a program designed to attract disadvantaged businesses would offer no guarantee of increase in participation of minorities and women. By restricting certain leases to smaller businesses, the relative percentage of minority and women potential lessees would be larger.

The Commission must also determine whether it wishes to have a business development program for leases which is race neutral. A program which is race and gender conscious would provide specific guidelines and provisions to grant leases to minorities and/or women. A race neutral program would not consider race or gender but would define businesses according to whether they are disadvantaged. The airport considers disadvantaged businesses in their program by using the size of the business as the determining criterion.

For the Port to develop a program that considers race or gender, we would have to demonstrate a past pattern of discrimination against minority and women owned businesses for leases. The way this could be accomplished would be through a survey of the universe of potential restaurant operators. Although this type of survey would be difficult to develop and time consuming, this would be necessary for a race or gender conscious program that would pass muster with recent guidelines handed down by the U.S. Supreme Court.

The Commission also needs to consider how to treat the RFP for Pier 35. One possibility might be for the Commission to include in the RFP a statement of Port policy toward encouraging minority business participation and asking proposers to present ideas. However, the nature of the Pier 35 RFP would not have a vehicle for binding the proposer to whatever they come up with. The most we could hope for would be good faith efforts. These efforts could be substantial as the successful bidder would be in a position to recommend caterers, sound system operators, lighting consultants and the like to potential users of the facility. We might ask that they recommend minority businesses wherever possible.

After reporting on the status of the program development, Mr. Huerta asked for comments and guidance from the Commission in order to further develop the program.

Commissioner Bouskos requested that on the Pier 35 RFP some language be added that minorities would be considered as part of the evaluation process. Commissioner Halsted also asked if it would be realistic for the operator to furnish an annual report on their performance. Mr. Huerta then asked the Commission if they would like staff at the next meeting to present the Pier 35 RFP incorporating his comments and those of Commissioner Halsted

and Commissioner Bouskos. In regard to lease extensions versus a minority business program, Mr. Huerta suggested that it be scheduled for general discussion soon and it was decided that the issue would be brought up at the next meeting.

Mr. Huerta then reported that we have been notified that the Pacific Coast Association of Port Authorities is holding their annual conference in August in Sacramento and has requested participation from our Commission. PCAPA is a trade organization which is generally organized around the Commission of the Port Authorities up and down the Pacific Coast.

Mr. Huerta next reported that he has been asked by the National Research Council to represent the national Port industry through the American Association of Port Authorities, at a regulatory body that is considering the effect of shipborne garbage. This regulatory body is the Marine Board Committee on Shipborne Wastes of the Commission on Engineering and Technical Systems. Being the Chair at the AAPA Commerce Committee, this issue is considered a regulatory issue in the framework of the Commerce Committee. To participate on the Committee, Mr. Huerta would be required to be present in conducting hearings around the country. His expenses will be borne by the National Research Council. The Commission had no objection to Mr. Huerta's representing the association.

Finally, Mr. Huerta introduced Mr. Peter Moylan of the Waterfront Land Use Advisory Board who wished to be given the opportunity to address the Commission on the work he is doing as a member of the Ballpark Advisory Committee. Mr. Moylan informed the Commission that the Ballpark Advisory Committee was looking pretty much at four sites (China Basin, 7th and Townsend, Airport and possible renovation of Candlestick Park). in the event that San Jose votes against the ballpark in their area. No decision has been made as to site. In the meantime, the BAC is investigating, hearing testimony on impacts, regulations, etc. through public hearings. Mr. Moylan invited the Commission for their comments on how the proposal for the ballpark would interact with the waterfront plans. Public meetings for site selections public outreach will be held at City Hall, Room 228 on March 12 at 6 p.m. and again on the March 19 at 6 p.m., the final two of five public meetings. The committee's main purpose is to evaluate on balance how this development would best serve the interest of the City. Mr. Moylan also added that this issue would be put in the calendar of the Waterfront Advisory Board for their consideration and input.

4. FINANCE & ADMNINISTRATION

4a) Mr. Kutnick presented for information only the Status of Accounts Receivable for January 31, 1992. Since then, four customers are current. Commissioner Coleman asked about Bloombrook International who abandoned Port premises with a $16,642 debt. Port counsel Jack Pizza said this tenant is known to still be in the area where he can be served.

Mr. Kutnick next requested Commission approval for a statement of Refunds & Allowances as of January 31, 1992.

ACTION: Moved by Commissioner Halsted, seconded by Commissioner Coleman, carried.

4b) Mr. Kutnick next requested Commission approval of minor revisions of the Port's 1992-93 budget since the January 22 Commission meeting. These revisions were made prior to gaining Commission approval in order to meet the Mayor's Office budget deadline. The most significant revisions include the addition of a 9744 Staff Assistant VI position to assume daily management of the Waterfront Land Use and the increase in Workers Comp budget of $52,457. The Staff Assistant position is offset by a decrease to the City Attorney's Office budget by the same amount. The Estimated Surplus of the Revisions totaled $72,000, due mostly to estimated fringe benefits changes in all divisions.

ACTION: Moved by Commissioner Coleman, seconded by Commissioner Halsted, carried.

5. PROPERTY AND MAINTENANCE

5a) Ms. Dorothy Schimke requested approval of two leases. Lease No. 11688 for California Marine Affairs & Navigation Conference at WTC 275M effective March 16, 1992 and Lease No. L-11689 for Brad Parberry dba Cavallini & Co. at WTC 219 effective April 1, 1992.

ACTION: Moved by Commissioner Halsted, seconded by Commissioner Coleman, carried.

5b) Next Ms Schimke requested approval of a waiver of $200 in fees for use of Pier 3 on March 7, 1992 that entailed use of parking for 600-800 guests by an all-volunteer AIDS fundraiser held by Design Industries Foundation for Aids and NAMES Project Foundation. The Commission, although very sympathetic to the cause, was of the opinion it could not deviate from the set policy regarding use of Port property which calls for a fee for all events. Commissioner Coleman and Commissioner Bouskos offered to make a personal contribution to help defray the permitting cost. The Commission agreed not to take any action on this matter.

6. MARITIME Items 6a and 6b were continued to next meeting.

7. PLANNING & ENGINEERING

a) Mr. Emilio Cruz of the Waterfront Transportation Office next made a revised presentation of construction traffic routing proposals for the Embarcadero, including temporary conversion of the promenade to a traffic lane between Howard and Mission Streets. As part of the traffic routing the plan proposes to continue three lanes in each direction southbound and northbound on the Embarcadero, with the exception of a short term during the initial construction. Traffic should be able to flow through the area northbound and southbound in a better fashion than during the demolition of the freeway.

The proposal now calls for digging up only 7 feet after the raised element of the promenade, the amount to make up the third lane through there. This would entail relocating two light fixtures, one fire hydrant and possibly taking out one of the sycamores and would not in any way impact the area where the bench and walkways are.

Also a left and U-turn access south between the Ferry Building and the Agriculture Building would allow people coming from the north to turn around at the Ferry Building and have direct access rather than have to go through the rerouting during the demolition. Port tenants in this vicinity and The Waterfront Restaurant and some further north have been advised of this concept and they are basically in favor of it. People coming southbound would be able to make a left turn directly into the area that is now the 700 parking series.

In addition, traffic light signals will be syncronized at every major intersection; comprehensive signage will be posted three or four blocks back to allow people to know which favorable routes to take; off duty police officers will assigned at the beginning of the project to take care of double parking to prevent traffic congestion.

The Commission suggested placing traffic signals at pedestrian crossings in certain areas to discourage pedestrians from crossing at will, creating safety hazards. Mr. Cruz would bring this matter up with Caltrans and will report back. He also responded to the Commission that PUC would be responsible for the demolishing of part of the promenade and final restoration. Funds are available for it.

The Commission then thanked Mr. Cruz and Mr. Osmundson for their input and for keeping Port tenants current on the project. Commissioner Bouskos commented that the above concept was a lot better than the one previously presented.

8. LEGAL

9. NEW BUSINESS

Commissioner Bouskos, with Commission concurrence, requested Mr. Huerta to prepare an official document congratulating Mr. Phil Bronstein and Mr. Andrew Ross of the San Francisco Examiner on their recent promotion.

Two members of the public spoke up against the palm trees on the Embarcadero. The Commission pointed out to them that the decision on the palm trees has already been voted on.

The meeting was adjourned at 4:55 p.m. by motion of Commissioner Coleman, seconded by Commissioner Halsted, carried.

SAN FRANCISCO PORT COMMISSION

March 25, 1992

The agenda for this meeting is missing

SAN FRANCISCO PORT COMMISSION
CITY and COUNTY OF SAN FRANCISCO
SUITE 3100 FERRY BUILDING
SAN FRANCISCO, CALIFORNIA

Wednesday, March 25, 1992 Commission Meeting

M I N U T E S

The regular meeting of the San Francisco Port Commission convened at 4:25 o'clock p.m. by Vice President James Herman, in the absence of President Bouskos.

1. ROLL CALL

PRESENT: James R. Herman, Vice President
Douglas F. Wong, Commissioner
Anne Halsted, Commissioner
Dr. Arthur Coleman, Commissioner

ABSENT: James Bouskos, President

2. APPROVAL OF MINUTES

The minutes for the meeting of March 11, 1992 were approved by motion of Commissioner Coleman, seconded by Commissioner Halsted, carried.

3. EXECUTIVE DIRECTOR'S REPORT

Mr. Neil Malloch gave a brief recounting of an historic visit to San Francisco of the British vessel, the Queen Elizabeth which took place fifty years ago in March 1942. The ship was transporting troops to Australia to defend against invasion and her arrival in port was a highly guarded secret. This was the Queen Elizabeth's only visit to San Francisco. Mr. Malloch showed photographs of the ship berthed at Pier 35.

President Herman thanked Mr. Malloch and asked Mr. Huerta for his report. The director informed the Commission that a resolution to acknowledge those employees who are retiring early from the Port will be presented at the next Commission meeting since employees' final decision on retiring is not until March 31.

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4. FINANCE & ADMINISTRATION

The Commission received two financial reports, the status of accounts receivable dated February 29, 1992 and the sales and rent report dated January 30, 1992.

5. PROPERTY & MAINTENANCE

a) On the consent calendar, the Commission approved lease L-11691 and L-11692, amended the Southwest Marine license to delete 61,804 square feet for a shipyard training center, and removed L-11693 from consideration.

ACTION: Moved by Commissioner Coleman , seconded by Commissioner Halsted, carried.

b) The Commission authorized staff to issue a bid for a one-year lease of SWL 324 for an interim public parking operation. This is the space formerly occupied by California Cafe at Embarcadero and Broadway. It is proposed that this lease contain early termination and buyout provisions to provide maximum flexibility for re-bidding or other development while allowing the Port to maximize potential revenue during this interim period.

ACTION: Moved by Commissioner Halsted, seconded by Commissioner Coleman, carried.

c) Staff asked for authorization to advertise and issue a Request for Proposals for an interim lease for marketing, managing and operating new activities and programs at Pier 35. In response to the Commission's directive, the RFP will include a policy encouraging the hiring of minority and women-owned businesses for catering, theatrical lighting, and other activities. It was also the decision to make excursion boat and passenger ferry loading an allowable use at Pier 35 under the RFP.

ACTION: Moved by Commissioner Coleman, seconded by Commissioner Wong, carried.

6. MARITIME

a)The Commission was asked to terminate a lease agreement with Forest Terminals Corporation, a subsidiary of Fletcher Challenge paper company, at Pier 48. Due to extraordinary dredging expense, the Port is no longer able to complete routine maintenance dredging at Pier 48, and as a result the berth can no longer accommodate one of Forest's vessels. However, Fletcher will continue to rout their Northern California cargo through the Port of San Francisco, but will transfer operations to the public terminal at Piers 27/29, which is operated by Marine Terminals Corporation.

Under new terms negotiated with Forest, the Port will release Forest from rental obligations beyond the seventh contract year, and Forest will pay the Port $43,618, to offset the interruption of revenue stream while Pier 48 facility remains vacant.

ACTION: Moved by Commissioner Coleman, seconded by Commissioner Wong, carried.

b)The Commission was next asked to approve an amendment to the management agreement with Marine Terminals Corporation modifying revenue sharing terms. Staff explained that Marine Terminals Corporation was instrumental in Forest Terminals moving its operation to Pier 27/29, and keeping this important account in San Francisco. It was therefore agreed to renegotiate the terms of the MTC agreement. Under the new terms, the Port retains 100% of tariff revenues up to $435,000 per year. When net tariff revenue exceed this amount, revenue is shared 50/50. When net revenue exceeds $600,000 the revenue is shared 75% to operator, 25% to Port. Under this schedule, the Port retains an additional $82,250.

ACTION: It was moved by Commissioner Wong, seconded by Commissioner Coleman, carried.

6. MARITIME (continued)

c)The Commission reviewed a request by Kanematsu USA Inc. for lease of a portion of Seawall Lot 337 for the purpose of a recycling operation. This lease replaces an agreement with Wastepaper Inc., a small recycling company which unfortunately did not survive higher freight costs, and a sluggish market. A five year lease agreement has been negotiated with Kanematsu Inc. for collecting, processing, and shipping waste paper, aluminum cans and glass bottles. This new agreement will provide more revenue, generate more cargo, and be more secure than the arrangement it replaces.

ACTION: Moved by Commissioner Coleman, seconded by Commissioner Wong, carried.

President Herman asked Commissioner Halsted to chair the remainder of the meeting, since he had to leave early, and she complied.

Commissioner Halsted announced that an executive session was calendared for discussion of a settlement with Nedloloyd Lines and asked that the public withdraw for this purpose. At the conclusion of the executive session, it was announced that a settlement had been reached in the amount of $21,302.14.

There was no public comment, and the Commission adjourned at 5:40 p.m.

PORT OF SAN FRANCISCO
CITY AND COUNTY OF SAN FRANCISCO
3100 FERRY BUILDING
SAN FRANCISCO, CALIFORNIA 94111

A G E N D A

WEDNESDAY, APRIL 8, 1992 AT 4:00 P.M.

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SAN FRANCISCO

1. ROLL CALL

2. APPROVAL OF MINUTES

3. EXECUTIVE DIRECTOR'S REPORT

   Discussion of Port policy relating to opportunities for minority business enterprises and women-owned business enterprises to participate in Port leases.

4. FINANCE & ADMINISTRATION

   a) Financial Reports

5. PROPERTY & MAINTENANCE

   a) Proposed bid package for tour bus parking at SWL 322i, one year term. Resolution No. 92-35

6. MARITIME

   a) Amend the Operating Agreement with Metropolitan California Stevedoring Company to allow for their collection of demurrage and wharf storage, to provide for a credit for charges for the rental of a portable generator and to reinstate the assignment of responsibility for facility maintenance. Resolution No. 92-36

   b) Increase H&H Engineering railroad maintenance contract by $45,000 and extend the term to 12/31/92. Resolution No. 92-37

7. PLANNING & ENGINEERING

8. LEGAL

9. NEW BUSINESS

10. ADJOURNMENT

(Public comment is permitted on any matter within Port Commission jurisdiction, and is not limited to agenda only.)

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SAN FRANCISCO PORT COMMISSION
CITY and COUNTY OF SAN FRANCISCO
SUITE 3100 FERRY BUILDING
SAN FRANCISCO, CALIFORNIA

Wednesday, April 8, 1992 Commission Meeting

M I N U T E S

The regular meeting of the San Francisco Port Commission convened at 4:00 p.m. by President James M. Bouskos.

1. ROLL CALL

PRESENT: James M. Bouskos, President
Douglas F. Wong, Commissioner
Dr. Arthur Coleman, Commissioner

ABSENT: James M. Herman, Vice President
Anne Halsted, Commissioner

President Bouskos noted that Vice President Herman and Commissioner Halsted were both traveling out of state and therefore unable to attend the meeting.

2. APPROVAL OF MINUTES

The minutes for the meeting of March 25, 1992 were approved by motion of Commissioner Coleman, seconded by Commissioner Wong, carried.

3. EXECUTIVE DIRECTOR'S REPORT

The Director asked for a continuance of Item 6(a) amending the operating agreement with Metropolitan California Stevedoring Company, and deletion of Item 6(d) H&H Engineering railroad maintenance contract. The Commission agreed to this request after determining that the firm was properly informed of this change.

Mr. Huerta asked the Commission's guidance in setting policy regarding Port leases and maximizing opportunities for minority and women-owned business enterprises.

President Bouskos opened the floor for discussion, stating that in his opinion the Port should renew leases based on being good tenants, subject to compliance with minority hiring practices and contracting procedures. If a tenant cannot provide evidence of such a policy the Port would not negotiate with him for a renewal of his lease, but would instead go to a bid process. However, he would not want a policy which would prohibit a good operator from returning so what would be needed is a sensitivity to minority hiring and contracting procedures. Where these are not at issue, the Port would address a policy of minority and women-owned business enterprises as a preference for consideration.

Dr. Coleman agreed in principal but expressed concern how such a policy should be stated so it would not be challenged. He also said that if it is a successful business tenant generating revenue to the Port this has to be paramount. He cautioned against making the process too subjective, suggesting instead that there be clearly defined guidelines.

President Bouskos opined that what characterizes a bad tenant would be their employees, directly or indirectly, not being representative of the diversity of San Francisco.

Commissioner Wong echoed Dr. Coleman's statement, that the Commission must look at this from a business standpoint, given the fact that we have some great tenants with existing leases that have been very favorable to them in the past. If these were brought up to current existing levels, it might be a different story. These leases which were so very, very favorable have given a negative impression to the public about the Port. This is something which the Commission has to take into consideration.

President Bouskos asked for public comment, and Mr. Theodore Wang, Coalition for Economic Equity, addressed the Commission. Mr. Wong stated that the coalition represents over eleven different minority and women-owned business associations including the Black Chamber of Commerce, and the Hispanic Chamber of Commerce. Recognizing the dilemma facing the Commission, he suggested the Commission require a lessee, as a condition of the lease, to use MBE's and WBE's. If a lessee has not demonstrated affirmative action in hiring practices in the past, then the Port would not want to lease to that tenant. But the Commission can, as a condition of the lease, require the tenant to meet specific MBE and WBE goals, which is analagous to what the City now requires of a developer as a condition of a permit to build an office building.

President Bouskos asked that the Commission adopt this requirement as a short-term policy and further noted that the Commission wants to establish a long-term policy.

The Director inquired what the mechanism would be for putting the goal into a lease, and Mr. Wang suggested making it a material condition of the lease; if the tenant does not meet the goals, this would be a material breach of the lease. Another way would be to require substantial payment by the tenant if these goals are not met. In the case of a restaurant, this could mean setting a goal for the tenant to use minority vendors or food suppliers.

In summary, the Commission will adopt a short-term leasing policy utilizing both 12b and 12c of the Administrative Code wherein renewal of an existing lease will be contingent on the tenant's compliance with certain criteria for minority participation in hiring and contractual opportunities; and, further, will aggressively develop a long-range policy giving the Port the ability not to contract further with the tenant in the event these requirements have not been met. City Attorney's office will review the matter and advise the Commission further.

The Commission agreed that all Port tenants should be advised of the forthcoming changes in policy and posture in order to ensure compliance.

4. FINANCE & ADMINISTRATION

Mr. Huerta said completion of the third quarter revenue projection reveals the Port will end the year about one and one-half million dollars behind in revenue. Principal areas of shortfalls in the maritime department, are in transpacific carriers imports. In transshipment operations, we are running behind plan, as well as in some of our specialized commodities. In the tenant and commercial areas, we are running behind in rent about $600,000, as well as in parking, excursions, and delays to the cruise terminal project. Mr. Huerta pointed out that in some categories we are running ahead of projections, such as in wharfage and in parking meters. However the areas where we are running ahead do not fully mitigate those where we are running behind plan. Therefore all departments have been asked to reduce spending and project out, and it is expected that we will slow down expenditures as well. It is anticipated therefore that we will still close the year with contributions to surplus.

Mr. Kutnick, Port's Finance Officer, asked the Commission's approval of refunds and allowances in the amaount of $254,742 for the month of February, and it was moved, seconded, and carried to approve.

5. PROPERTY & MAINTENANCE

Staff presented a request to authorize an offer through competitive bidding of an interim operating agreement bid package for Seawall Lot 322.i. The primary use of the site will be for tour bus parking and would alleviate traffic congestion at Fisherman's Wharf during the tourist season. Under this agreement, an operator would receive a percentage of the gross as a management fee and would pay all operating expenses. The agreement would be awarded to the operator offering the lowest combined result of a management fee(Bid Item #1) and the annual operating budget (Bid Item #2).

President Bouskos objected to the differences in this bid offering as opposed to one offered for SWL 324 in March, inferring that this creates a two-tier situation. In the interests of being consistent, Commissioner Bouskos advocated scrapping this idea and going back to a minimum price.

Commissioner Coleman suggested in view of the president's concerns that this matter be put over for further discussion. It was therefore agreed to continue this matter until the next meeting.

Under the New Business category, President Bouskos asked that the last item on the agenda for the next meeting be the election of a new Commission president, since that will be his last meeting.

Mr. Antonio Ruiz, from the A. Ruiz Construction Company, addressed the matter of the award of a contract for compaction grouting work at Pier 45. Mr. Ruiz distributed copies of a letter to the Commission and asked that this matter be reviewed in light of certain discrepancies in the ability of the bonding company. Mr. Ruiz asked that the award to Pressure Grout be invalidated and awarded instead to Ruiz Construction.

City Attorney Julie Van Nostern reported that the City's Risk Manager has reviewed the bonding company and concluded that it has sufficient capital.

President Bouskos assured Mr. Ruiz that the Commission will review this matter and directed staff to obtain the report from the Risk Manager. At the earliest possible time, Mr. Ruiz will be informed of the Commission's decision in this matter.

Shirley Kohlwes, Fisherman's Wharf Merchants Association, responding to President Bouskos query, indicated that she felt matters could be resolved regarding the tour bus parking bid offer, and would defer further comment until the next meeting.

There being no further business, Commission moved to adjourn at 5:15 p.m.

PORT OF SAN FRANCISCO
CITY AND COUNTY OF SAN FRANCISCO
3100 FERRY BUILDING
SAN FRANCISCO, CALIFORNIA 94111

A G E N D A

WEDNESDAY, APRIL 22 1992 AT 4:00 P.M.

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1. ROLL CALL

2. APPROVAL OF MINUTES

3. EXECUTIVE DIRECTOR'S REPORT

   a) Presentation of Certificates of Appreciation honoring early retirement employees.

   b) Discussion and consideration of the following unsolicited proposals:

      Proposal from Cyril Boyce and Jeremiah Tower for a weekend Flea Market on Port property;

      Proposal from Joseph J. Weiner, Tom Sargent and Sibella Kraus for a Demonstration Public Market in front of the Ferry Building

4. FINANCE & ADMINISTRATION

   a) Financial Reports

   b) Request permission to apply for and accept State and Federal grant funds for Freight Transportation Projects including the Tunnel Project and Illinois Street Bridge.
   Resolution No. 92-39

   c) Ferry Building Restoration: Search for State and Federal Funding. Resolution No. 92-40

   d) Modification to Financial Advisor Contract.
   Resolution No. 92-41

   e) Approval of Executive Director's salary for FY 1992/93.
   Resolution No. 92-42

5. PROPERTY & MAINTENANCE

   a) Consent calendar of leases

   L-11695, D.C.F.B., Inc. dba Destination Travel, WTC 100, travel agency, 2 year lease.
   L-11696, INO Guide, Inc., WTC 213, import/export office.
   L-11697, Island Environmental, WTC 250S, 1 year, consultant office.
   L-11698, Abernathy & Mitchell, WTC 321, 1 year, public relations.
   L-11699, Solar Trade International dba Hispanic Communications & U.S. SPAIN Trade Services, WTC 275-D, 1 year, export office.
   L-11700, G. P. Resources, SWL 303, 1 year, fuel dock.
   L-11706, Bounty Restaurant, Pier 96, m/m storage/parking.
   L-11701, Sea Products Co., Pier 54, 1 year, herring fishing.
   L-11702, Aliotti Wholesale Fish Co.,Pier 54, 1 year, herring fishing.
   L-11703, New West Fisheries, Pier 54, 1 year, herring fishing.
   L-11704, Monterey Fish Co., Pier 54, 1 year, herring fishing.
   L-11705, San Francisco Bay Fishermen's Assn., Pier 54, 1 year, herring fishing.
   Resolution No. 92-43

(continued on other side)

P O R T C O M M I S S I O N A G E N D A

WEDNESDAY, APRIL 22, 1992 - 4 P.M.

5. PROPERTY & MAINTENANCE (continued)

b) Approval of Fourth Assignment of Lease to John & Theresa Vafiadis for the Bounty Restaurant.
Resolution No. 92-44

c) H & H Environmental Services, SWL 337, 5-year lease, oil and wastewater treatment and storage.
Resolution No. 92-45

d) Barb Seafoods, Inc. Pier 28, request for increased rent abatement due to additional tenant improvements expenditures.
Resolution No. 92-46

e) Approval of Landlord's Waiver for Union Bank loan to Service Engineering. Resolution No. 92-48

f) Authorization to offer a short-term agreement for tour bus parking at SWL 322.1. Resolution No. 92-35

6. MARITIME

a) Eighth Amendment of Agreement with Metropolitan California Stevedoring Company to allow for their collection of demurrage and wharf storage, to provide a mechanism to credit rental charges for portable generator and to reinstate the assignment of facility maintenance responsibility.
Resolution No. 92-36

7. PLANNING & ENGINEERING

a) Approval of street legislation actions necessary for the Waterfront Transportation Projects - South Embarcadero.
Resolution No. 92-47

b) Pier 45, Earthquake Repair Project, Phase II, Compaction Grouting, Contract No. 2581, Surety Bond clarification.

8. LEGAL

9. NEW BUSINESS

a) Certificates of Recognition to Phil Bronstein, Executive Editor & Andrew S. Ross, Associate Editor, San Francisco Examiner (Commissioner James Bouskos)

b) Election of Port Commission President.

10. ADJOURNMENT

(Public comment is permitted on any matter within Port Commission jurisdiction, and is not limited to agenda only.)

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CITY and COUNTY OF SAN FRANCISCO
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Wednesday, April 22, 1992 Commission Meeting

M I N U T E S

The regular meeting of the San Francisco Port Commission convened at 4:00 p.m. by President James M. Bouskos. All commissioners were present.

1. ROLL CALL

PRESENT: James M. Bouskos, President
James R. Herman, Vice President
Douglas F. Wong, Commissioner
Dr. Arthur Coleman, Commissioner
Anne Halsted, Commissioner

2. APPROVAL OF MINUTES

The minutes for the meeting of April 8, 1992 were approved by motion of Commissioner Herman, seconded by Commissioner Wong, carried.

3. EXECUTIVE DIRECTOR'S REPORT

Mr. Huerta requested the Commission to continue Item 5(c), and the consent calendar of leases, excepting L-11696. L-11699, and L-11706, to the next meeting. He then presented certificates of appreciation to Joseph Adams, Robert Raudso, and George Ashley, three Port employees on their retirement. In all, eleven employees elected to accept early retirement from the City and officially retired on March 27, 1992. Maurice M. (Duke) Edwards, Superintendent of Harbor Maintenance for the Port since 1971, was one of this group.

The next item before the Commission was a proposal from Mr. Cyril Boyce and Jeremiah Tower for use of Port property in front of the Ferry Building for the purpose of operating a weekend flea market and antique fair. Mr. Boyce spoke of the lack of facilities locally for this kind of event, and suggested converting the parking area in the middle of the Embarcadero into a temporary exhibit arena.

In a similar vein, the Commission was presented with a proposal by Joseph Weiner, Tom Sargent, and Sibella Kraus for lease of this same area for a demonstration public market offering flowers, fresh fruits and vegetables, as well as dairy products, and locally caught fish. Mr. Sargent characterized his proposal as a European market hall, showcasing the best of Northern California. He suggested the market as a way to reclaim the waterfront by bringing more public participation to the water's edge. He also mentioned "Friends of the Port" as a possible co-sponsor for this activity.

P O R T C O M M I S S I O N A G E N D A

WEDNESDAY, APRIL 22, 1992 - 4 P.M.

5. PROPERTY & MAINTENANCE (continued)

b) Approval of Fourth Assignment of Lease to John & Theresa Vafiadis for the Bounty Restaurant.

Resolution No. 92-44

President Bouskos expressed his approval of the concept for both these proposals, and asked the Commission to comment.

Commissioner Herman expressed some reservation about the traffic congestion that would occur by locating a public market in the median of the Embarcadero and the preemption of parking spaces with produce stalls and antique exhibit booths. He also indicated concern about the impact on competitive enterprises such as those located in the Fisherman's Wharf area. He promised a fair and objective review of both proposals.

Commissioner Wong asked for clarification about the Friends of the Port's involvement in this venture. Mr. Sargent stated that after discussions with staff and Michael Huerta, it was concluded that the best way to achieve the public objectives of this market, would be to have it sponsored by a non-profit entity, such as Friends of the Port.

Commissioner Halsted expressed her support for the proposals and encouraged the principals to pursue it. Commissioner Coleman cautioned both developers about exposure to liability particularly where the public is involved.

President Bouskos asked staff to confer with Friends of the Port Board of Directors to determine its interest and report back to the Commission at the next meeting in May.

4. FINANCE & ADMINISTRATION

The Commission received a report on the status of accounts receivable for the period ending March 31, 1992.

Next, the Commission considered staff's request to apply for and accept State and Federal grant funds for Freight Transportation Projects, specifically for two key transportation construction projects: the Tunnel Project and the Illinois Street Bridge.

The Commission passed Resolution No. 92-39 recommending the Board of Supervisors approve the Port's efforts to pursue said funds for these very important projects.

P O R T C O M M I S S I O N A G E N D A

WEDNESDAY, APRIL 22, 1992 - 4 P.M.

5. PROPERTY & MAINTENANCE (continued)

b) Approval of Fourth Assignment of Lease to John & Theresa Vafiadis for the Bounty Restaurant.

Resolution No. 92-44

Commission approval was requested for Port staff to work with representatives in the United States Congress and the State Legislature to obtain funding through the budget process and /or grant programs for restoration of the Ferry Building. Since the Port is unable to fund the anticipated $1.3 million for this historic restoration from its own operating budget, funds may be available thrugh this process.

Discussion followed regarding the restoration process, particularly with reference to the paint color selection, since the original color is a drab, khaki green which the Commission and the public will probably find unacceptable.

The Commission took the following action in support of this effort.

ACTION: Moved by Commissioner Halsted, seconded by Commissioner Wong to approve Resolution No. 92-40, carried unanimously.

Staff next requested the Commission modify its contract with Government Finance Associates Inc. and Charles A. Bell Securities Corporation to serve as the Port's financial advisor. Under the modification, GFA will subcontract to Prager, McCarthy & Lewis to retain the services of Albert Peche for the Port's refinancing. There is no additional compensation. Charles A. Bell will retain 35% share and the balance of the contract will be split between GFA and Prager, McCarthy & Lewis.

ACTION: Moved by Commissioner Coleman, seconded by Commissioner Herman, carried.

The Commission discussed and approved a 7.0% increase over the Executive Director's 1991-92 salary range, setting the actual compensation for fiscal year 1992-93 at the top of the range $129,482 (BW$4082-4961). The Commission adopted Resolution No. 92-42 with the fixed rate. The director informed the Commission, however, that he intends to return the increase as requested by the Mayor.

In deference to public interest, President Bouskos suggested Item 7(b) be the next issue discussed. This is an earthquake repair project contract for compaction grouting at Pier 45 which was awarded to Pressure Grout Incorporated. The award was challenged by the next bidder, Ranger Pipeline/A. Ruiz Construction, on the basis of its surety bond.

Keith Grand, the City's Risk manager, answered the particular objections brought by Ruiz Construction with reference to the financial requirements of the bonding company, stating that the combination of reinsurance plus the company's assets were, in his opinion, more than adequate to back the bond. For these reasons, Mr. Grand stood firmly by his report and reiterated his recommendation to the Commission, stating unequivically that the bond is acceptable.

Deputy City Attorney Julie Van Nostern, responding to President Bouskos, opined that her office concurred with the Risk Manager's assessment of the issue, adding that this type of acceptance of bond is not uncommon in the City. Further, reinsurance has been consistently allowed to be a part of the bonding process.

Mr. Jack Casey, Casey & Company, insurance brokers, representing Ruiz Construction, asserted that Merchants Company is the only entity that has reinsurance, that the Port does not. If the reinsurers were to cancel the contract or go bankrupt tomorrow morning, the Port would have no recourse since the reinsurers have a contract only with Merchants, not with the City and County of San Francisco. The Port can only go after the company in question, and that company (Merchants) according the codes of the State of California is not adequate to guarantee the performance of Pressure Grout on this job. Mr. Casey stated that this contract is in violation of the code of the State of California, and with FEMA money present, it is also in violation of the Federal Treasury code. In Mr. Casey's opinion the contract with Pressure Grout is non-responsive, and the award should go to the next responsible bidder.

Deputy Attorney Van Nostern stated that as the Port's legal advisors, after review of Mr. Grand's acceptance of bond, no inconsistencies were found with his review.

The Commission president expressed his dissatisfaction with contractors coming back for additional change orders and modifications to original contract amounts, and stated that in his opinion the "door was closed for this contractor to return for more money."

The argument was made that if there was a changed condition in the contract which was not adequately described in the specifications that would allow a change order.

Another option, if the Commission is uncomfortable with their recommendation, according to City Attorney's advice, would be to require this contractor to seek another bonding company.

Based on the assurances of the Risk Manager and the City Attorney, it was the decision of the Commission to accept the bond, and to allow the award to Presssure Grout to stand. Because of the large discrepancy in bid amounts, and the Commission's concern that the contractor could seek additional monies through change orders, staff will reexamine the conditions in the contract and satisfactorily ensure that all conditions of the site have been adequately described and that all the issues that are known to exist now have been addressed. However, if there is an unforeseen site condition that would present itself as the job proceeds, that could open the possibility of the contractor asking for a change order. With that understanding, the Commission reaffirmed its decision to award to Pressure Grout Company.

5.PROPERTY & ADMINISTRATION

The Commission reviewed and approved three leases on the consent calendar : L-11695, Ino Guide, Inc., World Trade Center 213; , L-11699, Solar Trade International, World Trade Center 275-D; L-11706, Bounty Restaurant Pier 96.

ACTION: Resolution No. 92-43, moved by Commissioner Wong, seconded by Commissioner Halsted, carried.

The Commission next reviewed a request for an assignment of lease of the Bounty Restaurant to John and Theresa Vafiadis located on SWL 352 near the Cargo Way gate to Pier 96. Upon staff recommendation, the Commission approved the assignment by motion of Commissioner Wong, seconded by Commissioner Halsted, and carried passing Resolution No. 92-44.

The next item was a request from staff on behalf of Barb Seafoods for a two month rent abatement in consideration of improvements made at Pier 28 to upgrade for a fish processing operation. The improvements include sewer connection, new water service, new electrical service, permanent walls and concrete floors with drains. The final cost for improvements was $72,500. The rent abatement for two months will be $3,060.

ACTION: Resolution No. 92-46, moved by Commissioner Herman, seconded by Commissioner Wong, carried.

e) The Commission approved a Landlord's Waiver for Union Bank on a loan to Service Engineering Company. As consideration for credit to SECO, the bank required a security interest in the equipment and othe personal property SECO has on the premises it leases from the Port. The resolution approved by the Commission allows the enforcement of its security interest in certain personal property owned by SECO located at Pier 50.

ACTION: Resolution No.92-48, moved by Commissioner Halsted, seconded by Commissioner Coleman, carried.

PORT OF SAN FRANCISCO
CITY AND COUNTY OF SAN FRANCISCO
3100 FERRY BUILDING
SAN FRANCISCO, CALIFORNIA 94111

A G E N D A

WEDNESDAY, MAY 13, 1992 AT 4:00 P.M.

DEPOSITORY ITEM
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1. ROLL CALL

2. APPROVAL OF MINUTES

3. EXECUTIVE DIRECTOR'S REPORT

   a) Staff report on proposed public markets to be located on the Embarcadero median.

4. FINANCE & ADMINISTRATION
   a) Financial Reports

5. PROPERTY & MAINTENANCE

   a) Consent calendar of leases
   L-11695, D.C.F.B., Inc. dba Destination Travel, WTC 100, travel agency, 2 year lease.
   L-11697, Island Environmental, WTC 250S, 1 year, consultant office.
   L-11707, Eugene Schoenfeld, M.D.,WTC 250P, 1 year, psychologist's office.
   L-11698, Abernathy & Mitchell, WTC 321, 1 year, public relations.
   Resolution No. 92-49

6. MARITIME
   a) Increase crane rental and crane maintenance rates by 10 percent Resolution No. 92-50

   b) Rescind Resolution No. 92-34. Approve five-year lease for portion of SWL 337 to Westbay Resources Inc.
   Resolution No. 92-51

7. PLANNING & ENGINEERING
   a) Authorization to make final payment and accept work for Contract No. 2577, "Ferry Building, Interior Earthquake Repair".
   Resolution No. 92-52

   b) Modification to Professional Services Contract No. SA-3972023 with Moffatt & Nichol, AGS, and Kwan Henmi Inc.
   Resolution No. 92-53

8. LEGAL

An executive session is calendared for discussion of the following matters: proposed settlement of Coleman v. CCSF,(Superior Court No. 901-324), CCSF v. Stone, (Municipal Court No. 064-710), and Long's Fish Co. v. CCSF, Superior Court Nos. 913-881 and 934-169; Federal Court No. C-91-2654). These are matters of pending litigation and an executive session is specifically authorized under California Government Code Section 554956.9, subdivision (a).

9. NEW BUSINESS

10. ADJOURNMENT

(Public comment is permitted on any matter within Port Commission jurisdiction, and is not limited to agenda only.)

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SAN FRANCISCO PORT COMMISSION
CITY and COUNTY OF SAN FRANCISCO
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SAN FRANCISCO, CALIFORNIA

Wednesday, May 13, 1992 Commission Meeting

M I N U T E S

The regular meeting of the San Francisco Port Commission convened at 4:00 p.m. by President Douglas F. Wong, who announced the resignation of Commissioner Arthur Coleman from the Commission. In his letter to the Mayor, Dr. Coleman cited personal reasons for resigning from the Board after twelve years. Commissioners Halsted, Herman, and Wong all expressed deep regret at the loss of Dr. Coleman's experience and wisdom from the Commission.

Mr. Huerta expressed staff's regrets, as well, noting that Dr. Coleman has always been a good friend and champion to staff.

1. ROLL CALL

PRESENT: Douglas F. Wong , President
James R. Herman, Vice President
Anne Halsted, Commissioner

2. APPROVAL OF MINUTES

The minutes for the meeting of April 22, 1992 were approved by motion of Commissioner Halsted, seconded by Commissioner Herman, carried unanimously.

3. EXECUTIVE DIRECTOR'S REPORT

As requested by the Commission at its last meeting, Mr. Huerta gave an update on two proposals for open air markets to be located on the Embarcadero. As yet nothing more has been received from Mr. Boyce who proposed to hold a flea market and antique fair on weekends at this location. Mr. Boyce's group had been asked by the Commission to submit more specifics on their proposal.

Regarding the proposal of Mr. Weiner and Ms. Sibella Kraus for an open air produce market, Mr. Huerta reported that although Friends of the Port is enthusiastic about the proposal it is reluctant to commit until the financial backing is in place.

Ms. Kraus asked to present their latest drawings to the Commission, indicating that the season for their project is of short duration, therefore the need for a commitment from the Commission is immediate.

Commissioner Herman commented that any discussion of the proposal would be "academic" unless the financing and traffic congestion and parking issues are first addressed. He therefore asked that the matter be postponed until financial sponsorship has been found.

Mr. Nunzio Alioto, Fisherman's Wharf restaurant owner, informed the Commission that his family has been developing a similar proposition for the last two years, a $2 million fish market project located at Jefferson and Taylor Streets. He estimated that their project will be ready within the next two years.

The Commission acted to postpone the matter by unanimous vote.

4. FINANCE & ADMINISTRATION

The Commission next approved refunds and allowances in the amount of $60,642 for the period ending March 31, 1992 by motion of Commissioner Herman, seconded by Commissioner Halsted, carried unanimously.

5. PROPERTY & MAINTENANCE

The Commission reviewed and approved lease L-11697, to Island Environmental, for space 250S World Trade Center, and deferred three other leases pending finalization of negotiations.

ACTION: Resolution No. 92-49, moved by Commissioner Herman, seconded by Commissioner Halsted, carried.

6. MARITIME

a) Mr. Roger Peters next presented for Commission approval of rate increase for container crane usage. Since the last increase in Jan. 1991, time crane usage has increased dramatically. In order for the Port to maintain its high level of service while facing increased costs, staff proposes a 10% increase to both crane rental (from $300 to $330 per hour) and crane maintenance (from $85 to $93.50) to take effect July 1, 1992. The proposed crane rates are competitive with other container ports in California.

ACTION: Moved by Commissioner Halsted, seconded by Commissioner Herman, carried.

b) Next, Mr. Peters requested Port Commission to rescind Resolution No. 92-34, previously approved in the name of Konamatsu U.S.A. leasing portions of SWL 337 for wastepaper recycling and export, and approve a 5-year lease for a portion of SWL 337 to Westbay Resources Inc. Westbay Resources is a partnership of Konamatsu U.S.A. and Konamatsu Tokyo who will retain a 67% interest and 33% will be owned by Multi-Material Management and Marketing, who will operate the facility for Konamatsu.

ACTION: Moved by Commissioner Herman, seconded by Commissioner Halsted, carried.

7. PLANNING & ENGINEERING

a) Mr. Cliff Jarrard next requested authorization to make final payment in the amount of $2,699.35 and accept work for Ferry Building Interior Earthquake Repair, Contract No. 2577 performed by contractor Ernie Lowe & Son Inc. Mr. Jarrard added that as repair work proceeded, additional hidden damage was discovered which required modifications 1 and 2 in the amount of $39,000 and authorized by the Port Commission per Resolution No. 91-115. FEMA/OES representatives have assured Port staff that repair work costs for the additional damage will be fuilly reimbursed.

Commissioner Herman commented on the disparity of amounts of the original contract and final payment being over 100%. He asked if there are any steps that could be taken that would provide the Commission with a more accurate overview of what the cost is going to be. Commissioner Halsted also asked if other departments, such as the airport, have this problem and if there is any way to improve our bidding process. Commissioner Wong suggested that perhaps a certain ceiling be placed if contract goes over a certain amount and be re-bidded.

ACTION: Moved by Commissioner Halsted, seconded by Commissioner Herman, carried.

b) Next, Mr. Jarrard requested that Port Commission authorize a modification to the Moffatt & Nichol, A.G.S., Kwan Henmi-An Association contract in the amount of $386,000 and a time of completion extension to December 31, 1994. This contract modification is needed to complete design and engineering services for Phases III and IV and construction oversight services required to complete all four phases of the Pier 45 earthquake repair project. This contract modification will ensure continuation of existing non-Port Pier 45 funding, amounting to more than $6 million, and to maximize potential for additional FEMA funding.

Mr. Huerta further elaborated on some points related to this contract. The original scope of work of this contract (1988) covered preparation of harbor development feasibility report for the construction of Hyde Street pier harbor, final design of commercial harbor facilities including reconstruction and extension of Hyde Street pier; preliminary design for rehabilitation of Sheds B and D at Pier 45 for fish handling and final design for the rehabilitation of Shed B. After the 1989 earthquake the Port Commission requested staff to modify the contract to focus the efforts toward the rehabilitation of badly damaged Pier 45, setting aside the Hyde Street pier harbor. It is the intent of the staff that this will be the final modification of this contract as it pertains to Pier 45 and the fish processing facilities there.

ACTION: Moved by Commissioner Halsted, seconded by Commissioner Herman, carried.

9. NEW BUSINESS

Ms. Holiday, a member of the public, inquired about a decision on the parking space for motor coaches at Front and Vallejo. The Port Commission at its last meeting authorized Port staff to solicit offers and a letter was sent out requesting proposals which were due on Friday, May 15 and are now being evaluated.

Regarding the POW-WOW '92 Travel Industry Association of America's Discover America International convention (May 28-June 1), Port staff is working with the people handling this important event and visits to the Fisherman's Wharf area. Mr. Huerta has directed Port staff to make every accommodation for this group.

The Commission withdrew into Executive Session at 5:15 p.m.

8. LEGAL

Coleman v. CCSF, (Superior Court No. 901-324) - The Commission gave direction to the City Attorney's office regarding settlement and instructed the City Attorney to report back to the Commission.

Long's Fish Co. v. CCSF, (Superior Court Nos. 913-881 and 934-169; Federal Court No. C-91-2654) - The Commission gave direction to the City Attorney's office regarding settlement and instructed the City Attorney to report back to the Commission.

CCSF v. Stone, (Municipal Court No. 064-710) - The Commission approved settlement and authorized the Executive Director to enter into a stipulation for Entry of Judgment in Unlawful Detainer and for issuance of Writ of Execution.

Public session reconvened and adjourned at 6:00 p.m.

PORT OF SAN FRANCISCO
CITY AND COUNTY OF SAN FRANCISCO
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A G E N D A

WEDNESDAY, MAY 27, 1992 AT 4:00 P.M.

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1. ROLL CALL

2. APPROVAL OF MINUTES

3. EXECUTIVE DIRECTOR'S REPORT

4. FINANCE & ADMINISTRATION

   a) Capital Plan
   b) Financial Reports

5. PROPERTY & MAINTENANCE

   a) Consent calendar of leases

      L-11695, D.C.F.B., Inc. dba Destination Travel, WTC 100, travel agency, 1-year lease.
      L-11707, Eugene Schoenfeld, M.D.,WTC 250P, 1 year, psychologist's office.
      L-11698, Abernathy & Mitchell, WTC 321, 1 year, public relations.
      L- 11700, G.P. Resources, foot of Hyde Street, fuel dock & tank yard, month-to-month. Resolution No. 92-55

   b) Selection of proposed pedicab queuing zones in the Fisherman's Wharf and Ferry Building areas. Resolution No. 92-57

6. MARITIME

7. PLANNING & ENGINEERING

   a) Proposed street name change from China Basin Street to Terry A. Francois Boulevard. Resolution No. 92-56

   b) Authorization to rescind the award of the professional services contract for Ferry Plaza, Pier 27-29 earthquake damage repairs previously awarded to F.E. Jordan Associates, Inc.; Reject all Proposals. Resolution No. 92-21

   c) Authorization to reject all proposals received for groundwater sampling at Piers 70, 94 and 98 and modify the existing contract with GeoResources/The Mark Group, an association, for this work. Resolution No. 92-19

   d) Authorization to rescind the award of the professional services contract for asbestos abatement oversight consultation services to PSI Hall-Kimbrell Division, and award said contract to Galson Environmental. Resolution No. 92-20

8. LEGAL

   An executive session is calendared for discussion of the following matters: proposed settlement of Coleman v. CCSF, (Superior Court No. 901-324) and the proposed settlement with Lloyds underwriters and Institute of London underwriters companies for the Port of San Francisco's earthquake claim for damage to its various cranes. These are matters of pending litigation and an executive session is specifically authorized under California Government Code 54956.9, subdivisions (a)and (c), respectively.

9. NEW BUSINESS

10. ADJOURNMENT

(Public comment is permitted on any matter within Port Commission jurisdiction, and is not limited to agenda only.)

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CITY and COUNTY OF SAN FRANCISCO
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SAN FRANCISCO, CALIFORNIA

Wednesday, May 27, 1992 Commission Meeting

M I N U T E S

President Douglas F. Wong called the regular Commission meeting to order at 4:05 p.m. Commissioners Halsted and Herman were present.

1. ROLL CALL

PRESENT: Douglas F. Wong , President
James R. Herman, Vice President
Anne Halsted, Commissioner

2. APPROVAL OF MINUTES

The minutes for the meeting of May 13, 1992 were approved by motion of Commissioner Herman, seconded by Commissioner Halsted, carried unanimously.

In recognition of Commissioner James Bouskos' contribution as a member of the Port Commission for four years, President Wong conferred the Order of Maritime Merit, with the rank of Commander on Mr. Bouskos. He was joined in this tribute by his commission, and by Port staff. Mr. Bouskos accepted the medal and proclamation and expressed his heartfelt appreciation.

3. EXECUTIVE DIRECTOR'S REPORT

Mr. Huerta reported that the proponents of the weekend produce market suggested for the Embarcadero would like to make a presentation at the next Commission meeting. They have scaled down the original concept to a smaller two-day event and hope to demonstrate its practicability.

Two Port transportation projects, the Tunnel Project and the Illinois Street Bridge, have been recommended for funding by the Transportation Authority under a newly enacted Intermodal Service Transportation Efficiency Act (ISTEA). It is anticipated that the County Transportation Authority will in turn forward their recommendation for funding to the Metropolitan Transportation Commission. These two projects meet all of the objectives of the legislation and staff feels hopeful that they will be very competitive when they reach the regional level.

The Pacific Coast Association of Port Authorities (PCAPA) asked that the Commission consider rejoining its organization and extended an invitation to attend the annual conference in Sacramento in August. The membership of this organization consists of commissioners from the Pacific Coast region. The Commission will review this request.

In response to a request by Commissioner Herman , Mr. Huerta enumerated a number of proposed projects on which staff is working which relate to leasing. In no particular priority order, some of the projects are ferry operations leases for Pier 1/2, H & H Ship Service at China Basin Street, leases for WestCap Service, Service Engineering and Southwest Marine, a lease for the National Park Service lease for the Hyde Street Pier, Pier 35 interim use lease, and the sole source leasing policy recently adopted by the Commission. This particular issue pertains to a whole list of tenants, including Pier One Deli, Olive Oil's, Boondocks, and the Waterfront Restaurant.

4. FINANCE & ADMINISTRATION

The Commission was presented with the Capital Improvement Plan for the Port for review and consideration. The Plan includes policy statements, describes capital projects, sets priorities for these projects, identifies capital funding sources, and describes the status of capital projects. Staff submitted the plan for the Commission's perusal and asked that the Commission set another meeting time for adoption.

Commission Halsted commented that ever since she has been on the Commission this has been a project which has been desired, and she praised staff's efforts in developing the plan.

The Commission agreed to take time to study the plan, and deferred action until a future Commission meeting.

Staff presented the accounts receivable report for the period ending April 30, 1992 for Commission review.

5. PROPERTY & MAINTENANCE

Commission reviewed and approved four leases on the consent calendar: L-11695, D.C.F.B. Inc. WTC 100
L-11707, Dr. E. Schoenfeld, WTC 250P
L-11698, Abernathy & Mitchell, WTC 321
L-11700, G. P. Resources, foot of Hyde Street.

ACTION: Moved by Commissioner Herman, seconded by Commissioner Halsted, carried.

The Commission was presented with the issue of selecting a queueing zone for pedicabs operating in the Fisherman's Wharf area. Pedicab operators have asked for a queueing and staging area in order to operate more effectively. Four sites were proposed as the most feasible:

Site A - northwest corner of Embarcadero, Jefferson, and Powell.
Site B - southwest corner of Embarcadero, Jefferson, and Powell.
Site C - corner of Embarcadero and Taylor adjacent to Gelardi's.
Site D - adjacent to Ferry Building and Pier 1/2 Ferry terminal.

The Commission took testimony from proponents and opponents of this issue, including Fisherman's Wharf restauranteurs, and tenants, and the pedicab operators. After lengthy discussion, in which the Commission heard testimony from all sides of this situation, the Commission unanimously agreed to grant temporary locations at sites A and D, for a interim period of three months. Staff was directed to monitor the situation and report their findings to the Commission.

At the next meeting in June, the Commission will consider the matter of approving a pedicab zone pricing structure.

6. MARITIME

7. PLANNING & ENGINEERING

a) The Commission considered a proposed street name change from China Basin Street to Terry A. Francois Boulevard. Mr. Jarrard, Chief Harbor Engineer, read Resolution 92-56 detailing Supervisor Francois' background and illustrious political career in support of this request. Former Commissioner Dr. Arthur Coleman addressed the Commission in seeking its approval of this resolution, citing some of his personal recollections of Mr. Francois and highlighted instances of his career in San Francisco's political scene. Dr. Coleman introduced Marian Francois, his widow, and members of the Francois family who were warmly welcomed by the Commission. Mrs. Francois expressed her appreciation for the acknowledgment and recognition by the Commission of her husband's life work. The Commission set June 24, 1992 for public comment on legislation to change the name of China Basin Street to Terry A. Francois Boulevard.

Mr. Jarrard asked that the Commission consider Items 7 b, c, and d jointly as there is a common element in all three matters. In each of the cases, the scoring process for award of professional services contracts has been determined to be faulty, resulting in inproper ranking of scores. Staff is therefore asking for authority from the Commission to rescind previous awards.

Specifically under 7b), the Commission is asked to rescind the award of a professional services contract for Ferry Plaza, Pier 27-29 to F.E. Jordan Associates, and reject all proposals. Under 7c) Commission is requested to reject all proposals received for groundwater sampling at Piers 70, 94 and 98 and modify the existing contract with GeoResources/The Mark Group, to perform this work. Item 7d) Commission would rescind the award of the professional services contract for asbestos abatement to PSI Hall-Kimbrell Division, and award it to Galson Environmental.

Mr. Jarrard stated that it is crucial to move forward with the award of the asbestos abatement contract in order that the Port can retain FEMA funds for repair of the Ferry Building. It is necessary that the asbestos removal be accomplished before any repair can be started on this structure. FEMA has indicated that no further extensions will be granted, and advised that all work is to be completed by the fall of 1993.

Staff member, Barbara Cooper, indicated that irregularities in the scoring process prevented any formal action with PSI Hall-Kimbrell, and after conferring with the City Attorney, and the Human Rights Commission, scores were re-added and Galson Environmental was ranked no. 1. Therefore, staff recommends that the Commission make the award to Galson Environmental.

Edwin Lee, Director of the Human Rights Commission, confirmed that the selection process was flawed due to the use of inappropriate category scoring resulting in the need to review not only Port contracts but other City departments contracts as well. Generally in a situation such as this, HRC would recommend a total rebidding. However where circumstances exist, as in the case of loss of FEMA funding for your project, it is your prerogative to take staff's recommendations. HRC is insistent that should these contracts have to be rebid, or go through another selection process, there be some special effort made to retain the significant portion to MWBE's.

Mr. Lee commended the Port Commission as one of the top three City departments in MBE performance, and praised both Port staff as well as his own staff in these efforts. He particularly applauded the efforts of Zula Jones of HRC for her dedication and performance.

Mr. Ed Lau, President, TransPacific Consultants, Inc., protested the award of the groundwater sampling project contract, stating that if there is a flaw in the selecting of the consultant, then all bids should be thrown out, instead of modifying an existing contract with Geo-Resources. Mr. Lau alleged that this is a way of circumventing the City's procurement procedure, and circumventing Chapter 12d, and urged the Commission to reject all bids on this contract, and not modify the Geo-Resource contract.

Julie Van Nostern, Deputy City Attorney, stated that originally her office recommended re-adding the scores for the groundwater sampling project (Item 7(c) and a majority firm would have gotten the proposal. The alternative would be to reject all bids, and readvertise, which is what the Commission is being asked to do. There is another vital component of this issue. Under the State's Water Resources Control Board, the Port is required to monitor and file reports, on a timely basis, or be subject to being sanctioned by penalty, which could have a significant financial impact on the Port.

President Wong asked for discussion by the Commission, and following this, the Commission took the following action.

7(b) Authorization to rescind the award of the professional services contract for Ferry Plaza, Pier 27-29 earthquake damage repairs previously awarded to F.E. Jordan Associates, Inc.; reject all proposals.

ACTION: Motion to approve Resolution No. 92-21 by Commissioner Halsted, seconded by Commission Herman, carried unanimously.

7(c) Authorization to reject all proposals received forgroundwater sampling at Piers 70, 94 and 98 and modify the existing contract with GeoResources/The Mark Group, as association, for this work.

ACTION: Motion to approve Resolution No. 92-19 by Commissioner Herman, seconded by Commissioner Halsted, carried unanimously.

7(d) Authorization to rescind the award of the professional services contract for asbestos abatement oversight consultation services to PSI Hall-Kimbrell Division, and award said contrac to Galson Environmental.

ACTION: Motion to approve Resolution No. 92-20 by Commissioner Halsted, seconded by Commissioner Herman, carried unanimously.

The Commission withdrew to executive session at 6:10 p.m. for discussion of a proposed settlement of Coleman v. CCSF, and a proposed settlement with Lloyds Underwriters and Institute of London Underwriters companies. At the conclusion of the session, the City Attorney announced that the Commission approved a settlement in the matter of Coleman v. CCSF, Superior Court No. 901-324, and authorized payment and further approved settlement in the matter of Lloyds Underwriters and Institute of London Underwriters companies.

There being no further business, the Commission adjourned the regular meeting at 6:40 p.m.

PORT OF SAN FRANCISCO
CITY AND COUNTY OF SAN FRANCISCO
3100 FERRY BUILDING
SAN FRANCISCO, CALIFORNIA 94111

AGENDA

WEDNESDAY, June 10, 1992 AT 4:00 P.M.

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JUN 9 1992

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1. ROLL CALL

2. APPROVAL OF MINUTES

3. EXECUTIVE DIRECTOR'S REPORT

a) Presentation of Order of Maritime Merit to Dr. Arthur H. Coleman, Commissioner

4. FINANCE & ADMINISTRATION

a) Financial Reports

5. PROPERTY & MAINTENANCE

a) Consent calendar of leases
L-11710, Kathy Nelson dba Graphic Design , WTC 201, graphic design marketing office, 1 year lease.
L-11711, Data Associates, WTC 250 M, telemarketing , 1 year lease.
L-11712, Panelight Display Systems, Agriculture Bldg. 127, m/m, storage.
L-11709, Charlotte Temple, Ferry Bldg. 1028-1029, storage, 1 year.
L-11713, KTWT Production, Ltd., office, video production, 401 China Basin, 3 years. Resolution No. 92-59

b) Approval of Tour Bus Parking Lot Operating Agreement at SWL 322i, with Ken Burger. Resolution No. 92-60

c) Approval for Sanford Cohn and Jake Francisco (Fish Alley Bar & Grill) to sublease to Addi Galleries, Inc. and Steve Addi. Resolution No. 92-57

d) Informational presentation of proposals received for Pier 35 event management lease.

e) Proposed pedicab rates(staff will request continuance of this item pending possible litigation) Resolution No. 92-61

f) Second amendment to Mission Creek Harbor Association agreement Resolution No. 92-62

6. MARITIME

7. PLANNING & ENGINEERING

a) Authorization to make final payment and accept work for Contract No. 2579, "Pier 45, Earthquake Repair Project - Demolition of Floor Slabs in Sheds A, B, and C." Resolution No. 92-63

8. LEGAL

a) The Commission will consider a resolution that would authorize the Exeutive Director to stipulate, along with the Bay Conservation and Development Commission and the Mission Creek Harbor Association, to a Settlement and Cease and Desist Order for an alleged violation of permit conditions requiring public access improvementws to premises which the Port has leased to the Mission Creek Harbor Association.

9. NEW BUSINESS

10. ADJOURNMENT

(Public comment is permitted on any matter within Port Commission jurisdiction, and is not limited to agenda only.)

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92

SAN FRANCISCO PORT COMMISSION
CITY and COUNTY OF SAN FRANCISCO
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Wednesday, JUNE 10, 1992 Commission Meeting

M I N U T E S

The regular meeting of the San Francisco Port Commission was convened by President Wong at 4:05 p.m., with Commissioners Halsted and Herman present.

1. ROLL CALL

PRESENT: Douglas F. Wong , President
James R. Herman, Vice President
Anne Halsted, Commissioner

2. APPROVAL OF MINUTES

As the first order of business the Commission approved the minutes of May 27, 1992 by unanimous vote, moved by Commissioner Herman, and seconded by Commissioner Halsted.

3. EXECUTIVE DIRECTOR'S REPORT

The Commission honored outgoing Commissioner Dr. Arthur Coleman by the presentation of the Order of Maritime Merit, with the rank of Commander. As a member of this Commission for twelve years, five as president, Dr. Coleman served the City and the Port with vision, fairmindedness and loyalty. Both staff and his fellow Commissioners acknowledged a great debt to him for his dedication and guidance.

Dr. Coleman said he considered it a rewarding privilege to have served on the Commission, and accepted the award with deep appreciation. He urged the Commission to continue to move forward to revitalize the Port , cautioning that he would be diligently watching from the sidelines to ensure that they did not stray from the goals of the Port, or "like the good soldier, General McArthur, he would be back".

Next Mr. Huerta reported a vacancy on the Waterfront Advisory Board due to the resignation of Emily Rodriguez, of Esprit. Staff is preparing a list of candidates to fill the vacancy for the Commission's review and decision.

c) The Commission reviewed and approved a request by Sanford Cohn and Jake Francisco (Fish Alley Bar & Grill) to sublease to Addi Galleries, Inc. and Steve Addi. The premises will continue to be used as an art gallery.

ACTION: Moved by Commissioner Herman, seconded by Commissioner Halsted, carried.

Items 5(e), and 5(f) were continued over for the next meeting.

d) The Commission was given an update on the three proposals which were received for the Pier 35 event management lease. The three proposals were: Gourmet Pacific Catering, Pier 39 Associates ; Hornblower Dining Yachts Inc.; Joint Venture of Waterfront Promotions. Mr. Paul Osmundson briefly summarized each proposal, enumerating the particulars of each. Various suggested uses for the Pier 35 facility (first and second floor levels) include trade shows, farmers markets, theme fairs, community service events, conventions, cultural and corporate-sponsored social events, among others.

The business proposals for each are as follows:

Gourmet Pacific Catering:	Total $194,663 NPV @ $150,202	
Hornblower Dining Yachts:	Alt. #1	Alt. #2
	Total $950,000	$1,018,500
	NPV $733,863	$778,369
Waterfront Promotions, a joint venture.	Total $870,00 NPV @ 8% $675,245	

Concluding the brief overview, staff indicated that following further investigation a more conclusive recommendation will be made to the Commission.

A brief discussion followed regarding the vast array of uses for this facility. Commissioner Herman expressed his credulity at the sudden popularity of produce and farmers markets and preponderance on the local scene and asked for staff's comment. Mr. Osmundson conjectured that it was a "cyclical phenomenon" defying further explanation.

7. PLANNING & ENGINEERING

a) Under Contract No. 2579, "Pier 45, Earthquake Repair Project" the Commission accepted work and approved final payment to the Evans Brothers, Inc., contractor for a total contract amount of $307,232.44. The final contract amount was below the orignal contract amount by -2.25%.

ACTION:; Moved by Commissioner Halsted, seconded by Commissioner Herman, carried.

8. LEGAL

The director requested that this matter be deferred until the next meeting of the Port Commission, and this was agreed to.

There being no further business, the Commission adjourned at 4:35 p.m.

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PORT OF SAN FRANCISCO
CITY AND COUNTY OF SAN FRANCISCO
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A G E N D A

WEDNESDAY, JUNE 17, 1992 AT 4:00 P.M.

1. ROLL CALL

2. APPROVAL OF MINUTES

3. EXECUTIVE DIRECTOR'S REPORT

4. FINANCE & ADMINISTRATION

a) Revisions to 1992/93 Budget — Resolution No. 92-67

5. PROPERTY & MAINTENANCE

a) Consent to Pier 33, Inc. to sublease Blue & Silver Restaurant and Management Group. — Resolution No. 92-65

b) Second amendment to Mission Creek Harbor Association agreement — Resolution No. 92-62

6. MARITIME

7. PLANNING & ENGINEERING

a) Authorization to award Contract No. 2578, "San Francisco Container Terminal North, Pier 80, Paving and Utility Improvements. — Resolution No. 92-66

8. LEGAL

a) The Commission will consider a resolution that would authorize the Executive Director to stipulate, along with the Bay Conservation and Development Commission and the Mission Creek Harbor Association, to a Settlement and Cease and Desist Order for an alleged violation of permit conditions requiring public access improvements to premises which the Port has leased to the Mission Creek Harbor Association. — Resolution No. 92-64

9. NEW BUSINESS

10. ADJOURNMENT

(Public comment is permitted on any matter within Port Commission jurisdiction, and is not limited to agenda only.)

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Wednesday, JUNE 17, 1992 Commission Meeting

M I N U T E S

The regular meeting of the San Francisco Port Commission was called to order by President Wong at 4:05 p.m. Commissioners Halsted and Herman were both present.

1. ROLL CALL

PRESENT: Douglas F. Wong , President
James R. Herman, Vice President
Anne Halsted, Commissioner

2. APPROVAL OF MINUTES

The minutes of the meeting of June 10, 1992 were approved by unanimous vote, moved by Commissioner Herman, and seconded by Commissioner Halsted.

3. EXECUTIVE DIRECTOR'S REPORT

Mr. Jack Conrad reported that Mr. Huerta was in Washington, D.C. meeting with the U.S. Trade Representative on behalf of the ship repair industry.

4. FINANCE & ADMINISTRATION

The Commission approved the revisions to the 1992/93 budget by motion of Commission Herman, seconded by Commissioner Halsted, carried unanimously. Presentation of the Port's budget to the Board of Supervisors was postponed until June 23, 1992.

5. PROPERTY & MANAGEMENT

Item 5(a) was deferred pending further negotiations.

Item 7(a) PLANNING & ENGINEERING was also deferred at staff's request.

Deputy City Attorney Jack Pizza presented items 5(b) and 8(a) as companion matters for Commission review. Item 8(a) is a cease and desist order which designates a public access plan for the premises leased by the Port to the Mission Creek Harbor Association. The Port and MCHA will be jointly obligated to construct the improvements, with MCHA having primary responsibility for construction, and Port as the guarantor. The lease amendment Item 5(b) addresses the relationship between MCHA and the Port as a result of the cease and desist order, and states that if the Port must construct the improvements, MCHA agrees to repay the Port actual costs incurred for construction, plus 25% overhead factor, repaid at 12% interest. Issues of access and possible relocation of MCHA involved in the mandated clean up by Catellus during the Mission Bay development are dealt with in the lease amendment as well.

After ascertaining the assurance that MCHA is financially able to meet this obligation, the Commission took the following action.

ACTION: Approved Resolution No. 92-62 and 92-64 by motion of Commissioner Halsted, seconded by Commissioner Herman, carried unanimously.

There was no public comment, and the Commission adjourned at 4:30 p.m.

PORT OF SAN FRANCISCO
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A G E N D A

WEDNESDAY, JULY 8, 1992 AT 4:00 P.M.

1. ROLL CALL

2. APPROVAL OF MINUTES

3. EXECUTIVE DIRECTOR'S REPORT

a) Certificate of Appreciation to Limbach & Limbach

b) Ratification of motion by Executive Director in support of Police Department request for rehearing in opposition to Board of Permit Appeals approval of pedicab routes on certain Port property and authorizes Executive Director to take all steps necessary to establish the lack of Police Department and Board of Permit Appeals jurisdiction with respect to that property Resolution No. 92-68

4. FINANCE & ADMINISTRATION

a) Adoption of Capital Improvement Plan Resolution No. 92-54
(cont'd from May 20 meeting)

b) Financial Reports

5. PROPERTY & MAINTENANCE

a) Consent Calendar of Leases

L-11715, Ron Lovitt, WTC 262, 1 year, attorney's office.

L-11716, Asia Business Associate, Agriculture Bldg. 215, 1 year, consulting office.

L-11717, Commercial & Interior Construction (CICO), Agriculture Bldg. 111, 2 year lease, general contractor's office.

L-11718, George Apostolou,, Pier 1/2, 1 year, delicatessen retail.

L-11719, Waterfront Container, Agriculture Bldg. 201-202, 1 year, container leasing office.

Resolution No. 92-69

b) Sales & Rent Report for period ending April 1992.

(continued next page)

July 8, 1992 Port Commission
Agenda

6. MARITIME

a) Professional services contract with Trade Representatives to provide port representation and promotional services in the U.S. Mid West. Resolution No. 92-70

b) Professional services contract with Journal of Commerce to provide import and export trade data information services. Resolution No. 92-71

c) Approval of amendment to Marine Terminal Agreement with Navicana to authorize transferring operations to South Container Terminal Resolution No. 92-72

7. PLANNING & ENGINEERING

a) Authorization to award Contract No. 2578, "San Francisco Container Terminal North, Pier 80, Paving and Utility Improvements to Ghilotti Bros., Inc./Rosas Construction Co., Joint Venture Resolution No. 92-66

b) PUBLIC HEARING - Proposed change of street name from China Basin Street to Terry A. Francois Boulevard. Resolution No. 92-56

8. LEGAL

a) Consideration of a Lease Encumbrance Agreement with the Long Term Credit Bank of Japan for Francisco Bay Office Park at SWL Lots 315, 316, and 317. Resolution No. 92-73

9. NEW BUSINESS

10. ADJOURNMENT

(Public comment is permitted on any matter within Port Commission jurisdiction, and is not limited to agenda only.)

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City and County of San Francisco
SAN FRANCISCO PORT COMMISSION
AGENDA SUMMARY SHEET

SUBJECT:
Challenge to Board of
Permit Appeals Jurisdiction
Re:Pedicabs on Port Property

Meeting Date: 7/8/92
Agenda Item No: 3b
RES No. 92-68

Submitted by: Michael Huerta
Executive Director

AGENDA CLASSIFICATION

X	Executive		
	Finance & Administration		Maritime
	Engineering & Planning		
	Property & Maintenance		Legal

BACKGROUND:

The Board of Permit Appeals, at a hearing on June 24, 1992, overruled the Police Department's denial of Mr. Sears' request for a pedicab route extension across Port property located north of the intersection of Jefferson Street along the Embarcadero. At the hearing the representatives of the Police Department and the Port raised the issue that the Police Department, and therefore the Board of Permit Appeals, lacked jurisdiction over that portion of Port property, and requested a continuance so that the jurisdiction issue could be determined. The Board of Permit Appeals found that the Board had concurrent jurisdiction with the Port over the area in question, and by unanimous vote ruled in favor of Mr. Sears on the appeal.

The City Attorney's office has reviewed the issue and determined that the portion of the Embarcadero in question has never been dedicated to public use, and is therefore not a public street. The Police Department's authority under Article 39 of the Police Code is limited to granting or denying permits for the operation of pedicabs on "any public street." (Police Code, Article 39, Sec. 3902.) The Board of Permit Appeals jurisdiction derives from Charter Section 3.651. The Board's jurisdiction is limited to appeals from an "applicant for a permit or license who is denied such permit or license by the department authorized to issue same ... ." Therefore, because the Police Department lacked authority to grant the pedicabs permission to travel over any portion of Port property that is not a dedicated public street, the Board of Permit Appeals lacked jurisdiction to hear the appeal and overrule the Police Department.

The Police Department concurs with this analysis, and has filed a request for rehearing at the Board of Permit Appeals. Because the request for rehearing had to be filed by July 6, 1992, it was not possible to wait for Port Commission action on this matter. Therefore, the resolution before the Commission would ratify a letter written by the Executive Director in support of the Police Department's request for rehearing. In addition, it is possible that the Board of Permit Appeals will not grant a rehearing, or revise its decision subsequent to a rehearing if granted.

The proposed Resolution would also authorize the Executive Director to take all additional steps necessary to establish the lack of Police Department and Board of Permit Appeals jurisdiction with respect to the approval of pedicab routes over the property in question.

RECOMMENDATION:

Approve the attached resolution.

EXECUTIVE DIRECTOR'S RECOMMENDATION

Approved
J. Conrad, Acting

COMMISSION ACTION REQUIRED

_____ Motion
__XX__ Resolution
_____ Ordinance
_____ Information Only

COMM. ACTION TAKEN
Date _____

Approved _____
Disapproved _____
Continued _____

SECRETARY

CITY AND COUNTY OF SAN FRANCISCO
SAN FRANCISCO PORT COMMISSION
Resolution #92-68

WHEREAS, Charter Section 3.581 empowers the Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate and control the Port area of San Francisco; and

WHEREAS, the Police Code, Article 39 relating to the regulation of pedicabs authorizes the Police Department to issue permits for pedicabs to operate on "public streets" only, and the Police Department denied an application for a pedicab route extension which would have include Port property which is not a public street; and

WHEREAS, the property over which the pedicab route extension was requested is located north of the intersection of Jefferson Street and the Embarcadero, along the Embarcadero, which property is open for vehicular access to and from adjacent Port tenant uses, but is not a dedicated public street; and

WHEREAS, the Board of Permit Appeals' jurisdiction with respect to these circumstances is limited to appeals by an "applicant for a permit or license who is denied such permit or license by the department authorized to issue same ... ", and the Police Department concurs its authority is limited to permits for pedicabs operating on public streets; and

WHEREAS, the Police Department has requested the Board of Permit Appeals to grant a rehearing to reconsider its decision to overrule the Police Department in light of the jurisdictional issue; and

WHEREAS, the Executive Director of the Port has sent a letter in support of the request for rehearing, and in the event that the Board of Permit Appeals does not rescind its action overruling the Police Department's denial of the permit request, it may be necessary to request the City Attorney to take legal action to establish the lack of Police Department and Board of Permit Appeals jurisdiction to authorize pedicab routes on Port property that is not a dedicated public street;

RESOLVED, that the Port Commission hereby ratifies the action of the Executive Director in submitting a letter in support of the Police Department's request for rehearing; and be it

FURTHER RESOLVED, that the Port Commission hereby authorizes the Executive Director to take all steps necessary to establish the lack of Police Department and Board of Permit Appeals' jurisdiction to authorize pedicab routes on Port property that is not a dedicated public street.

I HEREBY CERTIFY that the foregoing resolution was approved by the San Francisco Port Commission at its meeting of July 8, 1992.

_____
Secretary
Port Commission

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CITY and COUNTY OF SAN FRANCISCO
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Wednesday, JULY 8, 1992 Commission Meeting

M I N U T E S

The regular meeting of the San Francisco Port Commission convened at 4:05 p.m. at the call of the President. Present were Commissioners Halsted and Herman.

1. ROLL CALL

PRESENT: Douglas F. Wong , President
James R. Herman, Vice President
Anne Halsted, Commissioner

2. APPROVAL OF MINUTES

Minutes of the meeting of June 17, 1992 were approved by unanimous vote, moved by Commissioner Herman, and seconded by Commissioner Halsted.

3. EXECUTIVE DIRECTOR'S REPORT

The Commission agreed to take Item 7(b) as its first order of business, and a public hearing was declared to hear testimony on the matter of a street name change from China Basin Street to Terry A. Francois Boulevard. Mr. Huerta relayed a message from Assesor Doris Ward, who originally proposed the matter at the Board of Supervisors. Ms Ward stated that it was never her intention that China Basin Street be changed but rather that a street in the China Basin district be named for the late Supervisor Francois. However, the legislation from the Board carried forward language specifying the particular street. Ms Ward said as the originator of this request, it was her intention that a street be selected in the vicinity of China Basin Street, perhaps the new Mission Bay development providing the opportunity for a new street to be named in his honor. It was her expressed hope that a prominent street in that development could be named Terry A. Francois Boulevard.

Many letters and postcards both in support and in opposition to the name change were received in the Commission office. Overall the opposition agreed the late Supervisor deserves having a street named for him but disagreed that China Basin Street was the appropriate choice. Many suggested a new street or boulevard in the Mission Bay Development project was a better possibility.

President Wong asked for public comment on the issue, and speakers both advocating and opposing testified. Many familiar names in the political arena of the seventies' spoke of Supervisor Francois' unique contribution to San Francisco and urged the Commission to pass the resolution renaming China Basin Street to Terry A. Francois Boulevard.

Those in opposition spoke of the historic significance of the China Basin name, of its maritime heritage, as well as the financial impact on tenants and the City of such a name change.

ACTION: At the close of public testimony, the Commission voted unanimously to approve changing the name of China Basin Street to Terry A. Francois Boulevard.

3(a) As the next order of business, President Wong presented a certificate of appreciation to Mr. Karl Limbach for the tree beautification project in front of the Ferry Building. The firm of Limbach & Limbach generously donated sixty trees which have been placed in the median on The Embarcadero as part of a continuing effort to enhance this part of the waterfront.

3(b) The director asked the Commission to ratify a motion in support of a request by the Police Department for a rehearing in opposition to the Board of Permit Appeals approval of pedicab routes on certain Port property. This resolution will authorize the director to take the necessary steps to establish the lack of jurisdiction with respect to that property on the part of the Police Department and the Board of Permit Appeals.

ACTION: Resolution No. 92-68 was moved by Commissioner Herman, seconded by Commissioner Halsted, carried.

4. FINANCE & ADMINISTRATION

(a) The Commission approved Resolution No. 92-54 adopting a Capital Improvement Plan in which to prioritize capital projects. Commissioner Halsted commended staff on its accomplishment, adding that this has been one of her primary goals since coming to the Commission.

(b) Two financial reports were reviewed and approved by the Commission; status of accounts receivables ending May 31, 1992, and refunds and allowances for May, 1992 in the amount of $68,191.

By request of staff, the Commission agreed to consider Item 7(a) as the next order of business.

7. PLANNING & ENGINEERING

a) Staff presented a request to award Pier 80, North Container Terminal contract for paving and utility improvements to the firm of Ghilotti/Rosas, joint venture, on the recommendation of City Attorney's office. The Commission was advised by Ms Van Nostern of this office, that award to Ghilotti/Rosas, joint venture, is based on Human Rights Commission determination that Amoroso/Verrett, joint venture, is ineligible for award as low bidder, due to non-compliance with HRC for failing to have a Class "A" license at time of bid, therefore rendering moot the protest by Ghilotti/Rosas. The award to Ghilotti/Rosas, joint venture, at a total contract price of $6,267,500 (with an additional $500,000 available for contract modifications) is $332,500 higher than that of the low bidder.

Prior to any action by the Commission, testimony was taken from the public, and the following individuals testified.

Attorney James Reuben, representing the firm of Amoroso/Verrett, protested the HRC finding of non-compliance on the basis that Amoroso/Verrett does hold a Class"A" license. Although at the time of bidding, the joint venture did not, Reuben contended that this was able to be remedied, and in fact was.

Mr. David Verrett, president of the Verrett construction, addressed the issue of non-compliance also raised by HRC with respect to insufficient participation by the joint venture. Mr. Verrett stated that he himself would be the on-site contractor supervisor on this project, he would be one hundred percent involved in the operation, and asserted that the HRC Form 5 was the problem, because of confusing instructions for completing the form.

The Commission asked to review the specific HRC form and expressed chagrin at the ambiguity of the language.

Others protesting the award to Ghilotti/Rosas were:
Wilfred T. Ussery, Wilfred T. Ussery & Associates
Don Felts, Peak Engineering
Steve Navarro, Peak Engineering
Paul Lucas, Hunters' Point electrician

The Commission received a letter in protest from Senator Quentin Kopp recommending this matter be removed from its calendar pending further consideration, citing his concern that awarding to Ghilotti/Rosas would "cost the taxpayers of the City and County $300,000.00".

Speaking in support of the staff recommendation to award to Ghilotti/Rosas were the following persons:

Mr. Stephen P. McGee, attorney for Ghilotti/Rosas
Mr. Frank Ruona, Ghilotti Bros.
Mr. Rosas, Ghilotti/Rosas

In response to the issue of Class "A" license requirements, City Attorneys Julie Van Nostern and Steve Emblidge stated that both parties to a joint venture must have the required license in place at the time of bid submittal.

As to the confusion in completing the HRC form, staff indicated that the pre-bid conferences were the proper forum for answering these questions. It was suggested that Mr. Verrett should have been "sophisticated" enough and familiar enough with the bidding process because of his many years of being a successful bidder on City projects. In addition, HRC and City Attorney met with Amoroso/Verrett to discuss this matter and following that meeting, HRC still found the contractor's explanation to be not acceptable.

Commissioner Halsted expressed her dissatisfaction with the process, and HRC's rules in particular. "It is frustrating to the Commission to try to interpret HRC's forms without a fuller understanding of its rules and regulations," Commissioner Halsted stated, "particularly when the Commission's main objective with this set-aside contract is to award to a minority contractor."

Commissioner Herman asked if the City Attorney is satisfied that this form is correctly completed by Amoroso/Verrett. Ms Van Nostern agreed that the form was correctly filled out in terms of what was going to take place in this particular joint venture; that there would not be the management and labor supervision required under the HRC rules. Commissioner Herman opined that the Commission's only choice is to award to Ghilotti/Rosas.

Mr. Huerta stated that these are the choices the Commission could make. One, choose to reject all bids, and rebid the entire package. Second, if the Commission wants to award to a minority joint venture, it must select the one certified by the Human Rights Commission. However, the Commission still has the discretion to award to Amoroso/Verrett if it wants to waive its joint venture requirement.

City Attorney advised against this action since the Commission advertised this bid as a minority joint venture and agreed with the Executive Director that waiving this requirement would be highly unusual, and could open the way for a lawsuit.

She further advised the Commission that the recommendation of staff and HRC to award to Ghilotti/Rosas is appropriate, and should withstand challenge.

Mr. Reuben asked the Commission to delay its decision until the next Commission meeting, pending further discussion between his client and HRC, in the hope that further dialogue would resolve the problem.

In light of the fact that there was ample opportunity for discussion by all parties, it was City Attorney's advice that the Commission has legally complied with the due process of this issue.

City Attorney Steve Emblige reminded the Commission that there is a further issue to consider. This is the requirement that both parties to a joint venture hold a Class "A" license at the time of bid. At the time of the submittal, Amoroso/Verrett joint venture did not. Mr. Emblige commented that no further discussion is going to change that situation.

Mr. Stephen McGee, attorney for Ghilotti/Rosas, urged the Commission to take the recommendation of staff and HRC and award to his client, based on the fact that his client's license was in place at the time of the bid, and Amoroso/Verrett's was not, and that by HRC compliance review, Ghilotti/Rosas is the only eligible bidder for award of this contract.

Based on the recommendation of counsel, it was Commissioner Herman's decision to make the following motion.

ACTION: Commissioner Herman moved approval of Resolution 92-66 authorizing the award of Contract No. 2578 to Ghilotti Bros. Inc./Rosas, a joint venture, seconded by Commissioner Halsted, and carried.

The Commission returned to the agenda and considered the following matters.

5. PROPERTY & MAINTENANCE

a) Commission reviewed the calendar of leases and approved the following: L-11715; L-11716; L-11717; L-11719. Lease L-11718 was put over until the next meeting in July.

b) Commission next reviewed the sales & rent report for the period ending April 1992 which provides current and year-to-date sales figures for restaurants, and retail businesses on Port property.

6. MARITIME

a) Staff requested Commission approval of a contract for professional services with Trade Reps Ltd., in the amount of $55,000 for fiscal year 1992/93. This firm represents the Port of San Francisco in Chicago, providing sales and marketing for the Port among a diverse Midwestern customer base, customer services to Port lines, and develops and reports business intelligence.

ACTION: Resolution No. 92-70 was moved by Commissioner Halsted, seconded by Commissioner Herman, carried.

b) The Commission approved a professional services contract with the Journal of Commerce Port Import/Export Reporting Services for fiscal year 1992/93 in an amount not to exceed $50,000. PIERS is the only trade information source that accurately identifies commodities, volumes, names and locations of importers and exporters and the steamship lines they use.

ACTION: Resolution No. 92-71 moved by Commissioner Herman, seconded by Commissioner Halsted, carried.

c) The Commission next considered a request from Naviera Interamericana Navicana S.A. to transfer its operation from North Container Terminal, Pier 80, to South Container Terminal, Pier 96. At staff's recommendation, the Commission approved the first amendment to the Marine Terminal Agreement and authorized the transfer.

ACTION: Moved by Commissioner Herman, seconded by Commissioner Halsted, carried.

8. LEGAL

The Commission reviewed a request by the Long-Term Credit Bank of Japan to execute a lease encumbrance agreement which would assure this institution that the Port would enter into a new lease with the Bank in the event the existing lease was terminated as result of bankruptcy of HHC Investments, Ltd., the current owner.

The City Attorney has reviewed this agreement and finds it satisfactory as to form. In the spirit of cooperation, staff recommended execution of the Lease Encumbrance Agreement.

ACTION: It was moved by Commissioner Halsted, seconded by Commissioner Herman, and carried.

9. ADJOURNMENT

It was moved by Commissioner Herman, seconded by Commissioner Halsted, and unanimously carried that the meeting be adjourned. The meeting adjourned at 7:35 p.m.

Respectfully submitted,

Elizabeth A. Day
Secretary to the Commission

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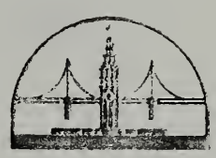
SAN FRANCISCO PORT COMMISSION



DOUGLAS F. WONG
President

Agenda

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SAN FRANCISCO PORT COMMISSION

NOTICE OF CHANGE IN MEETING DATE AND TIME

The public is hereby notified that the regularly scheduled Port Commission meeting for Wednesday, July 22, 1992 has been rescheduled for:

MONDAY, JULY 27, 1992 AT 2:00 P.M.

COMMISSION ROOM, SUITE 3100 FERRY BUILDING

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A G E N D A

MONDAY, JULY 27, 1992 2:00 P.M.

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1. ROLL CALL

2. APPROVAL OF MINUTES

3. EXECUTIVE DIRECTOR'S REPORT

a) Final report and recommendations on the Port's Organizatinal Analysis. Resolution authorizing the Executive Director to implement a new organizational structure and to appoint Division Directors.
Resolution No. 92-81

4. FINANCE & ADMINISTRATION

a) Approval of bond counsel contracts with the firms of Charles Bell, and Orrick, Herrington, & Sutcliffe
Resolution No. 92-74, 92-75

b) Resolution authorizing the Executive Director to apply for, accept, and expend a $250,000 Grant from the U.S. Department of Commerce for feasbility studies for the proposed Fisheries & Environmental Research Institute, Shed C, Pier 45.
Resolution No.92-77

c) Financial Reports

5. PROPERTY & MAINTENANCE

a) Consent Calendar of Leases
L-11718, George Apostolou, Pier 1/2, 1 year, delicatessen retail.
L-11720, Goodwill Industries, Pier 36, 1 year, donation site.
L-11721, Cavallini & Co., WTC 284, 6 months, storage.
L-11722, New York Frankfurter, Agriculture Bldg. 118, 5 years, food preparation and storage. Resolution No. 92-76

6. MARITIME

a) Approval of Marine Terminal Agreement amendment with Evergreen to provide for the sharing of demurrage revenues.
Resolution No. 92-78

7. PLANNING & ENGINEERING

a) Approval of a right-to-enter permit for soil tests; Friends of Islais Creek Pilot Planting Site (3rd Street and Islais Creek). Resolution No. 92-79

b) Approval of conceptual design of the Muni Metro Turnaround and Portal Integrated Design Project. Resolution No. 92-80

8. LEGAL

9. NEW BUSINESS

10. ADJOURNMENT

(Public comment is permitted on any matter within Port Commission jurisdiction, and is not limited to agenda only.)

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CITY and COUNTY OF SAN FRANCISCO
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Monday, July 27, 1992 Commission Meeting

M I N U T E S

The regular meeting of the San Francisco Port Commission convened at 2:10 p.m. at the call of the President. Present were Commissioners Halsted and Herman. Also present was Commissioner-designate Francis O'Neill, who was welcomed by the Director. Mr. O'Neill was in the audience as an observer until his formal confirmation by the Board of Supervisors.

1. ROLL CALL

PRESENT: Douglas F. Wong , President
James R. Herman, Vice President
Anne Halsted, Commissioner

2. APPROVAL OF MINUTES

The Commission approved the minutes of the meeting of July 8, 1992 by motion of Commissioner Herman, seconded by Commissioner Halsted, carried.

3. EXECUTIVE DIRECTOR'S REPORT

Mr. Huerta reported on the appointment of two new commissioners, Ms Ming Chang and Mr. Francis O'Neill, by Mayor Jordan, and acknowledged Mr. O'Neill's presence at the meeting.

The director discussed the latest development in the legislature's proposal to raid port coffers by taking funds from California ports that have tidland grants. Mr. Huerta said, "the latest version is actually the worst scenario thus far for the Port and would result in the Port of San Francisco having to pay $4 million to the State, Port of Long Beach paying $72 million, Port of San Diego paying $35 million, and the Port of Oakland paying nothing. Mr. Huerta indicated that lobbyists for the ports are striving diligently to persuade the Speaker and the Governor of the negative impact of such legislation on California ports and the dire consequences overall to future State revenues.

Mr. Huerta next requested the Commission to authorize him to implement the new organizational structure, and to appoint three Division Directors. Mr. Huerta indicated that although mediation proceedings with Local 21 are still unresolved, the mediator(Mr. Peter Lujan) has advised him to proceed with the reorganization but to continue meeting with union representatives.

Commissioner Halsted felt it was important to go forward with the reorganization and expressed an urgency not to delay until the two new Commissioners came on board. She stated that she had spoken with one of them who expressed no objection to going ahead with the vote nor request for delay.

Jo Anne Lawrence of the International Federation of Professional and Technical Engineers Local 21 protested that approval of the reorganization while mediation was still ongoing constitutes "unfair labor practice" and urged the Commission to postpone approval until a decision has been formally issued.

Commissioner Herman expressed his opinion that as long as talks with the union continue, he could see no reason to withhold his approval or wait for formal notification from the mediator.

Ms Lawrence thanked her "Brother Commissioner" for his remarks, but reiterated her request to postpone the vote, urging the Commission to delay action at this time.

The Commission then took the following action. Commissioner Herman moved approval of Resolution No. 92-81 to authorize Mr. Huerta to implement a new organizational structure and to appoint Division Directors. This was seconded by Commissioner Halsted, and carried unanimously.

4. FINANCE & ADMINISTRATION

a) The Commission considered a request to approve two contracts; the first for financial advisory services with Government Finance Associates and Charles A. Bell Securities Corp., the second for bond counsel services with Orrick, Herrington & Sutcliffe and Pamela S. Joe. The contract for financial advisory services is essential to the sound financial operation of the Port and is budgeted for $50,000. The bond counsel contract is budgeted for $40,000 and is also essential to the sound financial operation of the Port.

ACTION: It was moved, seconded, carried to approve Resolution No. 92-74, and Resolution No. 92-75.

b) The Port Commission heard a request to authorize the Executive Director to apply for a grant in the amount of $250,000 from the National Oceanic and Atmospheric Administration for financial and planning studies for a Fisheries and Environmental Center at Pier 45.

ACTION: Moved by Commissioner Halsted, seconded by Commissioner Herman, carried.

c) Commission reviewed the report on the status of accounts receivables. Mr. Kutnick indicated that $20,208 was paid by Superstructures Inc. on July 20.

5. PROPERTY & MAINTENANCE

a) Mr. Huerta asked to continue the matter of lease L-11720 with Goodwill Industries at Pier 36 until the next meeting pending review by counsel.

The Commission approved the remaining three leases: L-11718, L-11721, L-11722.

PUBLIC COMMENT

Mr. Bob Tibbetts, Telegraph Hill Dwellers, addressed the Commission on two matters. He first commended the Commission for discontinuing the replacement of 125 pilings at Pier 43-1/2, commenting however that resurfacing the deck and installing new fenders along the western edge ofthe pier does serve the public by maintaining public access to the pier. Mr. Tibbetts also noted that the Port would be spending about $100,000 for this work and expressed dismay that the Port has still not constructed a public restroom and gift pavilion at Taylor Street and The Embarcadero, although a conditional use permit was issued over eleven years ago. The permit specified that the first 120 feet along the Jefferson Street side be dedicated to pedestrian movement. This designated open space is used by the Parking Lot consortium for parking 33 vehicles. Mr. Tibbetts questioned why the Port should spend $100,000 for improving the walkway along Pier 43-1/2 instead of complying with the CPC Resolution 9226 dated November 12, 1981 to create a public space along Jefferson Street.

Commissioner Halsted asked staff to respond to the question posed by Mr. Tibbett at the earliest possible time, as she was very interested in this matter.

6. MARITIME

a) The Commission reviewed a request to amend the Marine Terminal agreement with Evergreen Marine Corp. which would allow a fifty percent sharing of demurrage revenues. Since demurrage revenues are already being shared with other Port lines, the Port is obligated to make the same terms available to Evergreen. Mr. Peters stated sharing demurrage with Evergreen should induce faster movement of cargo, thereby increasing throughput capacity of the terminal.

ACTION: Moved by Commissioner Herman, seconded by Commissioner halsted , carried.

7. PLANNING & ENGINEERING

a) The Commission considered and approved a request to authorize the Executive Director to execute a limited right enter permit for soil testing on the Friends of Islais Creek pilot planting site (3rd and Quint Street). The Commission further authorized the Director, if the soil tests demonstrate that the conditions of the soil do not pose health or safety concerns as determined by the Department of Public Health, to execute a right to enter permit for the pilot planting project.

ACTION: Resolution No. 92-79 moved by Commissioner Halsted, seconded by Commissioner Herman, carried.

Mr. Dan McCormick, project manager and Julie Viera, Waterfront Advisory Board member, and volunteer-extraordinaire for this project, were introduced to the Commission.

b) Discussion of the conceptual design of the Muni Metro Turnaround and Portal Integrated Design Project was continued to the next meeting at the request of the City agencies.

President Wong acknowledged the exceptional work of staffer Veronica Sanchez in obtaining the grant for the fisheries center, and thanked her on behalf of the Commission. This was seconded by the other Commissioners.

There being no further business, the meeting was adjourned by motion of Commissioner Halsted, seconded by Commissioner Herman, and carried.

Respectfully submitted,

Elizabeth Day, Commission Secretary

PORT OF SAN FRANCISCO
CITY AND COUNTY OF SAN FRANCISCO
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A G E N D A

WEDNESDAY, AUGUST 12, 1992 4:00 P.M.

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1. ROLL CALL

2. APPROVAL OF MINUTES

3. EXECUTIVE DIRECTOR'S REPORT

4. FINANCE & ADMINISTRATION
   a) Financial Reports

5. PROPERTY & MAINTENANCE
   a) Consent Calendar of Leases
      L-11726, Paul M. Rosenblum, WTC 291, business consulting office, one year.
      L-11720, Goodwill Industries, of San Francisco, San Mateo, Pier 36, marginal wharf parking, one year, donation site.
      Resolution No. 92-82

   b) Approval of adjustment of percentage rent for George Papadakis, Peer Inn, Pier 33. Resolution No. 92-83

6. MARITIME
   a) Approval of one-year lease L-11723 with Bay and Delta Towing at Pier 15 for additional office space
      Resolution No. 92-84

7. PLANNING & ENGINEERING
   a) Approval of conceptual design of the Muni Metro Turnaround and Portal Integrated Design Project. Resolution No. 92-80

8. LEGAL

9. NEW BUSINESS

10. ADJOURNMENT

(Public comment is permitted on any matter within Port Commission jurisdiction, and is not limited to agenda only.)

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Wednesday, Aug. 12, 1992 Commission Meeting

M I N U T E S

The regular meeting of the San Francisco Port Commission convened at 4:05 p.m. by President Douglas F. Wong.

1. ROLL CALL

PRESENT: Douglas F. Wong, President
James R. Herman, Vice President
Anne Halsted, Commissioner

2. APPROVAL OF MINUTES

The minutes for the meeting of July 27, 1992 were approved by motion of Commissioner Herman, seconded by Commissioner Halsted, carried unanimously. Commissioner Halsted noted that Bob Tibbits' name was misspelled under Public Comment.

3. EXECUTIVE DIRECTOR'S REPORT

Mr. Huerta reported on the status on the appointment of the two new commissioners, Ms. Ming Chang and Mr. Francis O'Neill. Pending the recommendation and confirmation by the full Board of Supervisors next week, the new commissioners may be in attendance at the next Commission meeting two weeks from now.

Second, Mr. Huerta reported on the notification received from Nedlloyd Lines on the restructuring of their transpacific and Central and South American operation. The hub and spoke activities at the Port of San Francisco's North Container Terminal will cease. Instead, Nedlloyd will provide direct service between the Far East and Central and South America. Up till now, their service has been a connecting service between the Far East and Central and South America via San Francisco. By providing direct service to Central and South America Nedlloyd will improve its competitiveness with other carriers who are offering new direct services, cutting 10 days transit time. Nedlloyd will still call on the Port of San Francisco for its other U.S.-West Coast services twice a month. Nedlloyd has stressed that the service they received from the Port of San Francisco has been exceptional.

Mr. Huerta has asked the operating divisions of the Port to prepare revised revenue estimates for the year. Commissioner Wong asked how Nedlloyd's action would impact Port revenues. Mr. Huerta estimated the figure to be between $2 1/2-$3 million.

4. FINANCE & ADMINISTRATION

The Commission next approved refunds and allowances in the amount of $77,395 for the period ending June 30, 1992 by motion of Commissioner Halsted, seconded by Commissioner Herman, carried unanimously.

5. PROPERTY & MAINTENANCE

a) Mr. Huerta requested that Item 1, Lease No. L-11726 be deleted at the request of the tenant, Paul M. Rosenblum.

Next, Ms. Schimke requested Commission approval of Lease No. 11720 for Goodwill Industries at Pier 36 for marginal wharf parking of a trailer to be used for a collection site of donated goods.

The Commission accepted the proposal to have a site at Pier 36 for Goodwill Industries, as presented. However, the Commission expressed displeasure over the action taken by Recreation & Park Commission to have the Goodwill collection box for donated goods at Safeway Marina moved. The Commission urged that this issue be referred back to Recreation & Park Commission for reconsideration and appealed to them to reinstate the Goodwill collection box at that facility. The Safeway location is more effective and accessible to shoppers who take the time to deposit things for Goodwill.

ACTION: Moved by Commissioner Herman, seconded by Commissioner Halsted, carried.

b) Next, Ms. Schimke requested approval for an adjustment of George Papadakis, (Peer Inn Restaurant) percentage rent to 7% for all sales, previously 8% for food, 10% for liquor and 10% for all other sales.

Mr. Papadakis has been renting restaurant space since 1958 and has been a very good tenant. Port staff has surveyed the market and determined that the fair market percentage for like uses in the City to be 7% of gross receipts for all sales made from the space licensed.

ACTION: Moved by Commissioner Herman, seconded by Commissioner Halsted, carried.

6. MARITIME

a) Mr. Roger Peters next presented for Commission approval of one-year lease with Bay and Delta Towing Co., Inc. at Pier 15 bulkhead for 387 sq. feet of additional office space for their tugboat operations. The lease is consistent with the Commission's minimum revenue standards, has a month-to-month holdover provision and allows for annual CPI adjustments.

ACTION: Moved by Commissioner Herman, seconded by Commissioner Halsted, carried.

7. PLANNING & ENGINEERING

a) Mr. Osmundson requested approval of a resolution approving the design of the Muni Metro Turnaround and Portal Integrated Design Project.

The Port Commission had previously approved the conceptual design of three major art projects for the Waterfront Transportation Projects: The Embarcadero Historical and Interpretative Signage Project, the Promenade Ribbon Project and the Embarcadero Gateway Project.

The Muni Metro Turnaround and Portal Integrated Design involves designing the visible aspects of the portal and U-wall structures. The portal and U-wall consist of a long ramp and retaining wall structure that rises from the subsurface elevation of the Muni tracks to the level of the street surface at the intersection of Steuart and Folsom Streets. The Arts Commission selected artist Robert Millar to work with the project design team, consisting of the PUC Utilities Engineering Bureau and Bechtel Corp. The main elements of the design are a distinctive railing around the top of the U-wall surrounding the portal, a "ring" of Canary Island palm trees around the portal, arounded edge for the openings and top of the face of the portal wall, and an off-white color for the floor and wall surfaces of the U-wall structure. The Arts Commission approved the artist's proposal some months ago.

PUC has raised some concerns about the maintenance of the ground surfaces which are proposed to be painted white and has stated they will not be responsible for the cost of frequent repainting. Maintenance responsibility for this art project lies with the Arts Commission and the Arts Commission has made the artist aware of the concerns over maintenance of the project. Because of the concerns about the white paint, the Arts Commission has scheduled a meeting in September with PUC and the artist to discuss this issue further.

The Port Commission were also in concurrence with the maintenance concerns of the white paint.

Emilio Cruz, Project Manager for the Waterfront Transportation Project, gave an update on the Muni-Metro project, that it is at 100% design completion and is undergoing final review. UEB project manager has indicated that if for whatever reason the Arts Commission and the artist could not come to terms on the white color and the proposal was rejected he would still be willing to take the money that was to be spent in the area and do architectural enhancement to the portal structure in order to make sure that it wasn't a straight and dry engineering design. Construction is anticipated to start in 1992.

After some discussion, the Port Commission approved the Muni Metro Turnaround and Portal Integrated Design Project as described and presented, subject to an amicable agreement between the Utilities Engineering Bureau and the Arts Commission and the artist on the issue of painting the horizontal surfaces white. The Arts Commission shall also have the responsibility of providing for the maintenance of the art project.

ACTION: Moved by Commissioner Halsted, seconded by Commissioner Herman, carried.

There being no further business, the meeting was adjourned at 4:45 p.m.

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A G E N D A

WEDNESDAY, AUGUST 26, 1992 4:00 P.M.

1. ROLL CALL

2. APPROVAL OF MINUTES

3. EXECUTIVE DIRECTOR'S REPORT

4. FINANCE & ADMINISTRATION

   Financial Reports

5. PROPERTY & MAINTENANCE

6. MARITIME

7. PLANNING & ENGINEERING

   a) Authorization to amend Resolution No. 92-20 to correct a technical error in the encumbrance amount, from $60,000 to $98,500, for Phase I of the asbestos consultant contract with Galson Corporation, Inc.

8. LEGAL

9. NEW BUSINESS

10. ADJOURNMENT

(Public comment is permitted on any matter within Port Commission jurisdiction, and is not limited to agenda only.)

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Wednesday, August 26, 1992 Commission Meeting

M I N U T E S

The regular meeting of the San Francisco Port Commission convened at four o'clock p.m. In the absence of President Douglas Wong and Vice President James Herman who were unable to attend, Commissioner Ann Halsted presided. Commissioners Ming Chang and Francis O'Neill were present.

1. ROLL CALL

PRESENT: Anne Halsted, Commissioner
Ming Chang, Commissioner
Francis O'Neill, Commissioner

2. APPROVAL OF MINUTES

Approval of the minutes for the August 12, 1992 meeting was deferred for the next meeting at Commissioner Halsted's request.

3. EXECUTIVE DIRECTOR'S REPORT

Mr. Huerta reported to the Commission on the State budget and specifically its impact on the port authorities of California. The Assembly version appears the most favorable, the Senate the least favorable, and the Governor's somewhere in the middle. Legislation introduced by the Speaker calls for the port authorities to share with the state each year any net proceeds over $250,000. If, however, proceeds are in a capital reserve fund for capital projects, the port would be exempt. The strategy of our State trade association (CAPA) was to attempt to kill this legislation, either in the Senate or through a Governor's veto. The current version is the worst possible thus far for the Port of San Francisco and would take cash reserves instead of attaching a portion of net proceeds. The effect would be to penalize those ports which have made a profit and set aside funds for future capital projects. Ports that would be rewarded would be those which have run on a very tight budget and have no money in the bank.

Should the proposed legislation pass, the Port of San Francisco would have to look at the possibility of cancelling important capital projects, such as the tunnel project for Pier 80 renovation, the Pier 45 earthquake project.

Should this happen, Mr. Huerta said that his recommendation to the Commission would be not to pay, and to appeal to the Supreme Court to determine whether the State has the authority to take this action.

Commissioner O'Neill asked about the timeframe on this situation, and was informed that the most likely date would be sometime around August 31.

Mr. Huerta said he is in daily communication with our Sacramento lobbyist and would keep the Commission informed of any changes.

4. FINANCE & ADMINISTRATION

a) Mr. Tom Girlich, Port financial analyst, presented the accounts receivable report for July 1992, and informed the Commission that in the matter of a default judgment against tenant John Ciddio, his partner has filed bankruptcy. Thois report was informational only, and did not require action on the part of the Commission.

5. PROPERTY & MAINTENANCE

6. MARITIME

7. PLANNING & ENGINEERING

a) Barbara Cooper, Port industrial hygienist, asked the Commission to authorize staff to amend Resolution No. 92-20 in order to correct a technical error which was made in the amount of the encumbrance for the consultation services contract to Galson Corporation, Inc. Ms Cooper explained that the bid amount in Galson's proposal was actually $98,500, and this is the amount which the resolution should have reflected, not $60,000 as indicated.

ACTION: Resolution No. 92-20 was therefore amended by motion of Commissioner O'Neill, seconded by Commissioner Chang, and carried.

8. LEGAL

Acting President Halsted asked for any public comment, and there being none, adjourned the meeting by motion of Commissioner Chang, seconded by Commissioner O'Neill, and carried.

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A G E N D A

WEDNESDAY, SEPTEMBER 9, 1992 4:00 P.M.

1. ROLL CALL

2. APPROVAL OF MINUTES

3. EXECUTIVE DIRECTOR'S REPORT

   a) Declaring Sister Port relationship with Keelung, Taiwan. Resolution No. 92-90

   b) Commemorating 25th anniversary of Sister Port relationship with Osaka, Japan. Resolution No. 92-92

4. FINANCE & ADMINISTRATION

   Financial Reports

5. PROPERTY & MAINTENANCE

   a) Presentation of Pier 35 event Management proposals by Gourmet Pacific Catering, Hornblower Dining Yachts, and Waterfront Promotions - Information Only

6. MARITIME

   a) New five year Marine Terminal Agreement with National Shipping Corporation of the Philippines. Resolution No. 92-88

   b) Termination of Operating Agreement with Wallenius Lines. Resolution No. 92-89

7. PLANNING & ENGINEERING

   a) Review and comment on proposed Roadway Design Alternatives for the replacement of the Central Embarcadero Roadway. Resolution No. 92-87

   b) Approval of conceptual design of South Beach Park. Resolution No. 92-91

8. LEGAL - Executive Session

   An executive session is calendared for discussion of a proposed settlement of California Cafe v. CCSF, State of California, et al, Superior Court No. 926-649. This is a matter of pending litigation and an executive session is specifically authorized under California Government Code Section 54956.9, subdivision (a).

9. NEW BUSINESS

10. ADJOURNMENT

(Public comment is permitted on any matter within Port Commission jurisdiction, and is not limited to agenda only.)

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Wednesday, September 9, 1992 Commission Meeting

M I N U T E S

The regular meeting of the San Francisco Port Commission convened at four o'clock p.m. All Commissioners were present.

1. ROLL CALL

PRESENT: Douglas F. Wong, President
James R. Herman, Vice President
Anne Halsted, Commissioner
Ming Chang, Commissioner
Francis O'Neill, Commissioner

2. APPROVAL OF MINUTES

The minutes for the August 12, and August 27, meetings were approved by motion of Commissioner Halsted, seconded by Commissioner Herman, carried.

3. EXECUTIVE DIRECTOR'S REPORT

The Commission was informed that legislation was passed by the State which allows chartered cities where ports are located to receive monies from the ports. Based on this legislation, Standard & Poor placed the ports of Oakland, Long Beach, Los Angeles and San Francisco on credit watch with negative implications. This legislation could significantly limit the port's financial flexibility and its ability to move ahead on any capital projects, particularly the tunnel project. Furthermore, it could limit the port's ability to provide adequate maritime facilities and would severely impair San Francisco's competitive position with other West Coast ports. The director informed the Commission that S&P will be meeting with the management of the ports to determine the magnitude of the allowable transfers and the plans and ability to handle it.

Mr. Huerta informed the Commission about an upcoming reception September 15, to welcome Director P.C. Cheng of the Keelung Harbor Bureau who will be in San Francisco to commemorate the establishment a Sister Port relationship with Keelung, Taiwan. The Commission was requested to approve Resolution No. 92-92 which will enact this affiliation.

ACTION: Resolution No. 92-92 was approved by motion of Commissioner Herman, seconded by Commissioner Halsted, and carried.

The Commission next approved a resolution commemorating the 25th anniversary of the sister Port relationship with Osaka, Japan. President Wong and Roger Peters will travel to Osaka to present this resolution and participate in ceremonies celebrating this sister port relationship.

ACTION: Resolution No. 92-90 was approved by motion of Commissioner Halsted, seconded by Commissioner Herman, carried.

In a more somber note, the director told of the passing of a devoted Port staff member, Terry Hamid, who succumbed to cancer after a long, and courageous struggle. Mr. Huerta said that Terry had many, many good friends and supporters in the shipping industry, and to many of these, Terry was "the Port". The Commission moved to close the meeting in Terry Hamid's memory.

4. FINANCE & ADMINISTRATION

The Commission reviewed and approved refunds and allowances for the period ending July 31, 1992 in the amount of $47,448.

ACTION: Moved by Commissioner Chang, seconded by Commissioner Halsted, carried.

5. PROPERTY & MAINTENANCE

a) The Commission reviewed in-depth presentations by three organizations which are competing for the event management lease for Pier 35. Responding to the Port's Request For Proposals, the firms, Gourmet Pacific Catering, Hornblower Dining Yachts, and Waterfront Promotions each presented a proposal for event management of this facility. Each firm emphasized the particular strengths of its proposal and organization, stressing the mutual benefits that would accrue from an association with the firm, and in the case of the Gourmet Catering and Hornblower Dining Yachts operations, spoke of their maritime experience and tradition of working with the Port. Both these firms pointed out their diversity and experience in facility management as particular strengths; whereas Waterfront Promotions cited its singularity of purpose (event managing only) as a strong advantage, and emphasized the firm's entrepreneurial expertise and strong background in restaurant management.

Commissioner Herman asked each firm representative how their organization planned to fulfill the RFP requirement for affirmative action hiring as specified by the Commission, and also inquired about each firm's compliance with minority hiring with personnel presently employed.

The Commission heard the business offer from each firm detailing revenue projections and comparable benefits to be realized by the Port during the five year event management lease.

Staff stated that today's presentation is informational only and that a selection panel will be rating each proposal and these findings will be brought to the Commission for further review before a final determination is made.

Michael Berline, Citizens Advisory Committee, strong supported moving ahead expeditiously in this matter of selecting an organization for the events management lease for Pier 35.

6. MARITIME

a) The Commission reviewed and approved a new five year agreement with National Shipping Corporation of the Philippines. The Executive Director will be traveling to Manila for formal signing of these documents.

ACTION : Resolution No. 92-88 approved by motion of Commissioner Halsted, seconded by Commissioner O'Neill, carried.

b) Staff requested Commission approval to terminate the operating agreement with Wallenius Lines at Pier 70 since in early 1992, Wallenius Lines discontinued the discharge of Mercedes automobiles at this pier. Mercedes, and Mitsui Lines, its carrier, will instead discharge automobiles at Pier 80. Wallenius has requested early termination of its agreement and has agreed to an early lumpsum payment of $65,000 to the Port.

ACTION: Resolution No. 92-89 was moved by Commissioner Halsted, seconded by Commissioner Chang, carried.

7. PLANNING & ENGINEERING

a) Chief Administrative Officer Rudy Nothenberg addressed the Commission concerning proposed alternatives for the mid-Embarcadero Roadway Replacement Project, and a "scoping session" scheduled for September 14 which will afford the opportunity to the public (including the Port Commission and its tenants) to comment on the proposed environmental impact study, and on roadway design alternatives.

The EIR will evaluate the environmental impacts of five conceptual roadway designs which have been identified for the Roadway Project. The Port Commission entered into a Memorandum of Understanding in 1990 with various City Departments regarding the implementation of the Waterfront Transportation Projects. Port staff participates on the Technical Advisory Committee and Policy Steering Committee for the WTP, including the Roadway Project.

Emilio Cruz, Project Manager for the Roadway Project, presented the five conceptual alternatives , illustrating with detailed drawings the varying differences of each, as well as the potential impact of each alternative.

Joe Wyman, Port planner, opined that under any of the five freeway proposals the Port could lose as much as 80 percent of its parking spaces - an important loss of revenue up to $600,000 annually. Unless substitute parking is provided, development potential on Port property would basically be undermined.

Other concerns listed as problematic to the Port included the effects of the new roadway on traffic capacity and access to the Ferry Building and Fisherman's Wharf; interference with freight and truck traffic to piers and port tenants due to the many pedestrian crossings; a potentially negative visual effect on the Ferry Building if the design includes subsurface corridors with portals leading underground. Staff has prepared a position paper addressing these concerns on behalf of the Commission.

Michael Gallette, Fisherman's Wharf Port Tenants, stated his organization shared the same concerns expressed by staff in the position paper.

Staff summarized by requesting adoption of Resolution No. 92-87 authorizing the Executive Direcctor to present a position paper to the Environmental Review Officer for evaluation in the Environmental Impact Report, and further authorize him to negotiate with the CAO to modify the MOU between the Port Commission and various City departments to address the concerns in implementing the Roadway Project.

ACTION: Moved by Commissioner Halsted, seconded by Commissioner O'Neill, carried.

b) The Commission was presented with a request by the Redevelopment Agency to approve the conceptual design of Phase I of the South Beach Park. Mr. Michael Kaplan, project coordinator, and Mr. Bob LaRocca, landscape and urban design consultant for the Redevelopment park project, displayed drawings of the conceptual design for the site for Phase I, which consists of approximately 6.25 acres.

The design includes 51 parking spaces at the foot of Second Street along the realigned Embarcadero Roadway, 36 parking spaces and lanscaping improvements around the ILWU building, 43 parking spaces at the foot of Berry, a 1.25 acre lawn area with a 70 foot high Mark DiSuvero sculpture, an approximately 7,000 square foot plaza, and demolition of the existing Pier 42 bulkhead building.

At the conclusion of the presentation, a brief discussion followed. The Commission acted to approve the request by the Redevelopment Agency.

ACTION: Resolution No. 92-91 moved by Commissioner O'Neill, seconded by Commissioner Halsted, carried.

8. LEGAL

The Commission withdrew to executive session at 8:05 P.M. to discuss the proposed settlement of California Cafe v. CCSF, et al, Superior Court No. 925-519. At the conclusion the Commission approved the settlement and authorized the Executive Director to act on its behalf in this matter.

The meeting was formally adjourned at 8:20 p.m. in memory of Terry Hamid, Port employee, and good friend.

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PORT OF SAN FRANCISCO
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A G E N D A

WEDNESDAY, SEPTEMBER 23, 1992 4:00 P.M.

1. ROLL CALL

2. APPROVAL OF MINUTES

3. EXECUTIVE DIRECTOR'S REPORT

   a) Discussion of Hunter's Point Citizens' Advisory Committee nomination.

4. FINANCE & ADMINISTRATION

   a) Financial Reports

   b) Approval of Personnel Non-Civil Service and temporary Civil Service Appointments and Removals.
   Resolution No. 92-93

5. PROPERTY & MAINTENANCE

   a) Consent Calendar: Resolution No. 92-95
   Lease L-11372 - American Marketing Co. of America, WTC, 1 year, administrative office.
   Lease L-11729 - American Airporter Shuttle, Inc., Pier 46 Annex, 5 years.
   Lease L-11730 - Edward L. Hardin & Associates, Pier 28, 5 years.
   Street Encroachment Agreement - S.F. Food Bank, 333 Illinois Street, m/m, office trailer.

6. MARITIME

   a) Approval of lease for office space for Allied Business Machines at 501 Army Street. Resolution No. 92-99

7. PLANNING & ENGINEERING

8. LEGAL

   An executive session is calendared for discussion of Klamath Ferryboat Associates Lease, a matter of potential litigation, and is specifically authorized under California Government Code Section 54956.9, subsection (b) (1).

9. NEW BUSINESS

10. ADJOURNMENT

(Public comment is permitted on any matter within Port Commission jurisdiction, and is not limited to agenda only.)

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Wednesday, September 23, 1992 Commission Meeting

M I N U T E S

The regular meeting of the San Francisco Port Commission convened at four o'clock p.m. The following Commissioners were present.

1. ROLL CALL

PRESENT: Douglas F. Wong, President
Anne Halsted, Commissioner
Ming Chang, Commissioner
Francis O'Neill, Commissioner

ABSENT: James R. Herman, Vice President

2. APPROVAL OF MINUTES

The Commission approved the minutes of the September 9, 1992 meeting by motion of Commissioner Halsted, seconded by Commissioner O'Neill, carried.

3. EXECUTIVE DIRECTOR'S REPORT

Mr. Jack Conrad, acting for Mr. Michael Huerta who is at the American Association of Port Authorities annual convention in Anchorage, Alaska, informed the Commission that as a result of recent legislation the City will be taking $1 million from Port surplus funds. As a result, the Port must compensate by reducing its expenditure budget. Staff is currently in the process of finding solutions including work furloughs, and lay-offs, as well as reducing services to other City departments.

The resignation of Dr. Arthur Coleman from the Commission created a vacancy on the Hunters Point Citizens Advisory Committee. Staff person Larry Florin is presently representing the Commission on this board. However, it is important that the Port be represented at the policy-making level since many of the issues that will be considered could impact future operations at the Port. After a brief discussion, Commissioner Frank O'Neill was nominated, and accepted appointment to the Hunters Point Citizens Advisory Committee.

ACTION: It was moved by Commissioner Wong, seconded by Commissioner Halsed, carried.

4. FINANCE & ADMINISTRATION

a) The accounts receivable report for the period ending August 31, 1992 was presented to the Commission for review. Staff stated that a letter to Pier 39 regarding the repair of the seawall would be sent by week's end.

b) The Commission approved three non-Civil Service temporary appointments which occurred during August. Commissioner O'Neill asked what constitutes a temporary non-Civil Service position. Staff explained that temporary non-Civil Service appointments can be made, when there is no existing list of eligible candidates. The Commission also inquired if these were additional job classifications, but staff responded that these are budgeted positions.

5. PROPERTY & MAINTENANCE

a) The Commission reviewed the consent calendar of leases and approved leases L-11372, L-11730, and a street encccroachment agreement. Lease L-11729 was deferred pending further negotiation with American Airporter Shuttle regarding relocation rights.

ACTION: Moved by Commissioner Halsted, seconded by Commissioner O'Neill, carried.

6. MARITIME

a) The Commission reviewed a lease for 433 square feet of office space in the administration building at 501 Army Street. After briefly discussing this matter, the Commission took the following action to approve.

ACTION: Moved by Commissioner Halsted, seconded by Commissioner Chang, carried.

7. PLANNING & ENGINEERING

9. NEW BUSINESS

Prior to executive session, President Wong called for any new business. A representative from the Federation of Indo-American Associations requested a waiver of a required security deposit and permit fee for an event honoring Mahatma Gandhi and Mrs. Howard Thurman scheduled for Sunday, October 11 on the Ferry Plaza. Mr. Carl Vedro, a director of the Howard Thurman Educational Trust, also urged the Commission to grant this request.

President Wong expressed his personal support for the program. However, since this policy was originally adopted by the Commission to establish a fair and equitable fee schedule for all, it would be counter to our stated policy to allow exceptions.

Commissioner Halsted asked that staff discuss the matter further with this organization and advise the Executive Director of the outcome.

8. LEGAL

The Commission withdrew to executive session at 4:30 p.m. for discussion of a matter of potential litigation, regarding the Klamath Ferryboat Associates lease. At the conclusion of the discussion, the Commission reconvened to public session. There was no further public discussion, and the Commission moved to adjourn at 5:35 p.m. by unanimous decision.

PORT OF SAN FRANCISCO

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SPECIAL PORT COMMISSION MEETING

WEDNESDAY, SEPTEMBER 30, 1992 - 3:30 P.M.

AGENDA

A special meeting is called for consideration of the following matter:

Authorization to award Modification No. 14 to Contract 2576 - Pier 1/2 North Ferry Terminal Upgrade.

RESOLUTION 92-100

3100 FERRY BUILDING - COMMISSION ROOM

(Public comment is permitted.)

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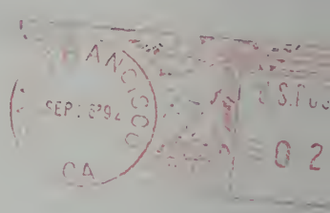

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SAN FRANCISCO PORT COMMISSION

SPECIAL MEETING

WEDNESDAY, SEPTEMBER 30, 1992 - 4:00 P.M.

Present at the meeting was President Wong, Commissioners Herman, Halsted, O'Neill. Commissioner Chang was unable to attend due to illness. Staff persons attending included Director Huerta, Asst. Chief Harbor Engineer John Kellogg, City Attorney Van Nostern.

A special meeting was called for discussion of modification no. 14 to contract no. 2576 to provide handicap accessibility to ferry boats at Pier 1/2 North Ferry Terminal. Earlier in the month, a walkthrough with the ferryboat operators resulted in a request by the operators for additional fendering and miscellaneous work on the float to provide increased safety and navigability of the facility.

Commissioner Halsted asked if this modification encompassed redesigning the ramp along the same guidelines as used by Port of Oakland, but staff indicated that it did not. To do so, would require going back to the funding agencies FHWA/Caltrans, CTA and MTC for additional funds.

Commissioner Halsted advised staff to explore the funding possibilities further, if staff and the director agreed it was a good idea.

Commissioner Herman made a motion to approve Resolution No. 92-100 which was seconded by Commissioner O'Neill, and carried.

There being no other calendared issues, the meeting adjourned at 4:36 p.m.

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A G E N D A

WEDNESDAY, OCTOBER 14, 1992 4:00 P.M.

1. ROLL CALL

2. APPROVAL OF MINUTES

3. EXECUTIVE DIRECTOR'S REPORT

   Informing the Commission of a matter pending at the Bay Conservation & Development Commission (BCDC) meeting of October 15, 1992 regarding the Port's proposed repairs to Pier 43 1/2.

4. FINANCE & ADMINISTRATION

   a) Financial Reports

   b) Certification of Discretionary Reserves
   Resolution No. 92-106

   c) Capital Plan Resolution No. 92-107

   d) Supplemental Appropriation for Capital Projects
   Resolution No. 92-108

5. PROPERTY & MAINTENANCE

   a) Consent Calendar: Resolution No. 92-101
   Board of Pilot Commissioners, WTC 234(6), 3 years, administrative office.
   Stacy & Witbeck and Dillingham Inc., Pier 28, 20 months, construction office.
   Lease L-11729 - American Airporter Shuttle, Inc., Pier 46 Annex, 5 years, storage and servicing of shuttle fleet.

   b) Approval of 5 year lease with H&H, at Pier 62 & SWL 337, treatment, storage and disposal for industrial waste.
   Resolution No. 92-102

   c) Request from Gandhi Foundation for exemption from permit fee.

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SUITE 3100 FERRY BUILDING
SAN FRANCISCO, CALIFORNIA
Wednesday, October 14, 1992 Commission Meeting

M I N U T E S

The regular meeting of the San Francisco Port Commission convened at four o'clock p.m. The following Commissioners were present.

1. ROLL CALL

PRESENT: Douglas F. Wong, President
James R. Herman, Vice President
Anne Halsted, Commissioner
Francis O'Neill, Commissioner

ABSENT: Ming Chang, Commissioner

2. APPROVAL OF MINUTES

The Commission approved the minutes of the September 23, 1992 meeting by motion of Commissioner Herman, seconded by Commissioner Halsted, carried.

3. EXECUTIVE DIRECTOR'S REPORT

The director reported that Recreation & Park Department has declined to reconsider the matter of denying a Goodwill donation center on park property, premised on it being in direct conflict with its stated policy and ordinance.

Mr. Huerta stated that a decision is expected shortly from the Appellate Court (Reed v. CCSF) in the matter of the Port's contract with Nedlloyd Lines. This suit was brought by a group of individuals who were seeking to dissolve the contract, contending that it was inconsistent with the City's divestment ordinance.

Mr. Huerta reported on a matter scheduled for review by the Bay Conservation and Development Commission, regarding repairs to Pier 43-1/2, currently used for parking, public access, and passenger service for the Red & White ferry. The parking lot requires extensive repair, involving installation of new piles to support the pier. It is BCDC's contention that new piles constitute new bay fill, triggering BCDC's land use authority to allow only water-dependent uses on the repaired facility.

It is the Port's position that the use pre-dates the McAteer-Petris Act and therefore the maintenance and repairs do not require BCDC review. Originally this item was to be heard tomorrow but has since been continued to a future date. A meeting is scheduled for October 21 with Mr. Robert Tufts, chairman of BCDC, Alan Pendleton, Executive Director, the Deputy Attorney General, the City Attorny and myself. To ensure that the Commission's point of view is represented, Mr. Huerta asked that one of the Commission be present, as well.

Mr. Huerta asked to continue Item 4(b) Certification of Discretionary Reserve to a time indefinite until the City Attorney has issued an opinion on the constitutionality of the legislation. It is prudent for the Commission to take no action on this matter until advised by the City Attorney.

ACTION: Moved by Commissioner O'Neill, seconded by Commissioner Halsted, carried.

4. FINANCE & ADMINISTRATION

a) Staff presented one financial report - Refunds and allowances for the period ending August 31, 1992 and requested the Sales & Rent Report be put over until the next meeting.

c) The Commission reviewed and approved an updated Capital Plan reordering certain priorities for capital projects, including an increase in funding for PG&E work for the Pier 80 construction contract (Priority #3); proposed funding for Lead Clean-up of Contaminated Materials at Piers 24, 26, and 28 (reordered from #11 to #10); the Seismic Safety Program Survey Project, reordered from #10 to #12.

ACTION: Moved by Commissioner Herman, seconded by Commissioner Halsted, carried.

d) Consistent with the Capital Plan, the Commission approved a Supplemental Appropriation in the amount of $1,140,000 to fund two capital projects. These projects are the clean-up of contaminated materials at Piers 24, 26, and 28 and drainage construction on the Embarcadero. The expenditure of these funds for completion of these two projects will be of great financial benefit to the Port.

ACTION: Moved by Commissioner Herman, seconded by Commissioner Halsted, carried.

5. PROPERTY & MAINTENANCE

a) The Commission reviewed the consent calendar of leases and deferred the first three for further negotiation. After a brief discussion regarding the waiver of relocation rights by the lessor, and traffic congestion generated by additional shuttle vans, Lease L-11729 was approved by the following action.

ACTION: Moved by Commissioner O'Neill, seconded by Commissioner Halsted, carried.

b) This item was deferred pending additional negotiation.

c) As directed by the Commission, staff presented a breakdown of costs incurred by the Port in conjunction with the coordination of the Gandhi event recently held at the Ferry Plaza. It was established that the Port incurred over $500 in administrative costs in reference to this particular event.

Commissioner Herman and Halsted demurred that this event differed from bicycle and foot races, in necessary paper work and permitting fees, and should be exempted from paying the full administrative cost. Commissioner Herman made a motion to waive the full amount and charge a reduced fee of $100 to the event producer, and the Commission will expeditiously redefine the rule for any rational exceptions that the Commission should consider.

ACTION: Moved by Commissioner Herman, seconded by Commissioner Halsted, carried.

As noted on the calendar, an executive session is scheduled for discussion of a maritime issue. For that reason, Items 7 a,b,and c under planning and engineering will be presented out of sequence.

7. PLANNING & ENGINEERING

a) Larry Florin, planning and community affairs, presented a brief overview of the Land Use Plan being developed by the Waterfront Committee, and emphasized the Waterfront Committee's commitment to a financially responsible and implementable plan. This Committee, a 25-member advisory group, appointed jointly by the Mayor and the Board of Supervisors, came into the process with an open approach as far as existing regulatory issues. Under Phase I, the committee looked at water-dependent industries, other site related industries, and industries whose needs are currently being met. The plan that was developed responds to those specific land use needs as identified under the Phase I process. After completion of Phase I, anticipated at the next meeting, the committee begins Phase II, looking at the non-water-dependent uses, and the appropriate sites.

b) Paul Osmundson, development project coordinator, asked for authorization from the Commission to issue a Request for Proposals for a financial and economic consultant for the Waterfront Land Use Plan. Staff recommends that a professional consultant be retained to do a financial and economic analysis. The estimated budget is $75,000 and will take aproximately one year to complete.

ACTION: Resolution No. 92-104 authorizing the issuance of an RFP for a financial consultant was approved by motion of Commissioner Halsted, seconded by Commissioner O'Neill, carried.

c) Staff requested authority to advertise for bids for Contract No. 2582 - Drydock and Overhaul of the Fireboat "Guardian". Both Port Fireboats "Phoenix" and "Guardian" are normally overhauled and repaired in alternate years, and funding in the amount of $80,000, is included in the annual Port budget.

ACTION: It was moved by Commissioner O'Neill, seconded by Commissioner Herman, carried.

The Commission moved to matters under New Business before going into executive session, and Carolyn Yee, representing a group of native San Franciscans called "Friends" asked the Commission to consider a request to make available 2,500 square feet of storage space for stage platforms, props and scenery. Her group presents shows for the disabled and abused children of Edgewood Children's Center, the Recreactional Center for the Handicapped, and the elderly and disabled communities of San Francisco.

The Commission thanked Ms Yee for taking the time to make her presentation, extolling her group's tremendous work, and assured her that the matter would be considered at a future Commission meeting.

6. MARITIME

a) President Wong returned to the agenda, and stated that the matter of a lease termination between the Port and Continental Grain Company would be discussed in executive session, pursuant to California Government Code Section 54956.9, subdivision (b)(1).

The Commission reconvened in public forum and the City Attorney stated that the Commission approved the lease termination agreement with Continental Grain accepting the $10,000 Health & Safety Repair limitation. City Attorney was directed to inform Continental that there was insufficient notice given for the Commission to consider assuming any liability for intentional acts.

8. LEGAL

a) Also in executive session, pursuant to California Government Code Section 54956.9, subdivision (b)(1), the Commission discussed an application to consider a late claim by Marjorie Ann Loo. At the conclusion of the session, the Commission denied the late claim application.

There being no further business, the meeting adjourned at 6 p.m.

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A G E N D A

WEDNESDAY, OCTOBER 28, 1992 4:00 P.M.

1. ROLL CALL

2. APPROVAL OF MINUTES

3. EXECUTIVE DIRECTOR'S REPORT

   Report to Commission on the status of Cruise Ship Terminal Project at Pier 30/32, and Scandinavia Center Inc.'s efforts in securing investment financing. Seeking comments from the Commission on various issues relating to the project. (Informational item).

4. FINANCE & ADMINISTRATION

   a) Financial Reports

5. PROPERTY & MAINTENANCE

   a) Consent Calendar:
   L-11736, Henry Bowles dba Double H. Tanker, Agriculture Building 212, 1 year, engineering consultants.
   L-11737, Michael Tehrani, Esq., WTC 314, attorney's office
   L-11734, State Board of Pilot Commissioners, WTC 234, 3 years, Commission Office. Resolution No. 92-107

   b) Authorization to go to bid on a 1-year lease for parking at SWL 324 and 322.1. Resolution No. 92-108

   c) Consideration of request for consent to additional encumbrance of Pier 39 Limited Partnership's leasehold interest at Pier 39. Resolution No. 92-109

   d) Informational presentation regarding First Amended and Restated Site K Sublease between Site K, Inc., and South Beach Family Associates for premises located at SWL 333. Approval of Nondisturbance and Attornment Agreement between the San Francisco Port Commission, Site K, Inc., and South Beach Family Associates.
   Resolution No. 92-110

e) Presentation of evaluation panel rating results, and proposed resolution authorizing staff to enter into negotiations with Waterfront Promotions for an event management lease at Pier 35.
Resolution No. 92-111

f) Resolution approving a policy for accommodating additional excursion boats at the Port of San Francisco.
Resolution No. 92-112

g) Sales & Rent Reports for months of July, August 1992

6. MARITIME

a) Authorization of a three month extension of the Non-exclusive Management Agreement with Stevedoring Services of America under the existing terms and conditions. Resolution No. 92-113

7. PLANNING & ENGINEERING

a) Authorization to advertise for bids for various locations, miscellaneous earthquake repairs.
Resolution No. 92-114

b) Authorization for final payment of Contract 2574, and acceptance of telescopic spreader for Port container cranes. Resolution No. 92-115

c) Approval of modification of Dredging Contract 2558 with Dutra Constuction Co. Inc. Resolution No. 92-116

8. LEGAL

9. NEW BUSINESS

10. ADJOURNMENT

(Public comment is permitted on any matter within Port Commission jurisdiction, and is not limited to agenda only.)

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A D D E N D U M

TO PORT COMMISSION AGENDA OF

WEDNESDAY, OCTOBER 28, 1992

In addition to the regularly scheduled agenda, Item 5(h) Memorandum of Understanding between the Department of Public Works and Port of San Francisco for Use of Space at SWL 354 will be added for Port Commission action under Resolution No. 92-117.

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SAN FRANCISCO PORT COMMISSION
CITY and COUNTY OF SAN FRANCISCO
SUITE 3100 FERRY BUILDING
Wednesday, October 28, 1992 Commission Meeting

M I N U T E S

The San Francisco Port Commission met this date at 4 o'clock p.m. in regular session.

1. ROLL CALL

PRESENT: Douglas F. Wong, President
James R. Herman, Vice President
Anne Halsted, Commissioner
Francis J. O'Neill, Commissioner

ABSENT: Ming Chang, Commissioner

2. APPROVAL OF MINUTES

The minutes of the meeting of October 14, 1992 were approved by motion of Commissioner Halsted, seconded by Commissioner O'Neill, carried.

3. EXECUTIVE DIRECTOR'S REPORT

The director reported on the status of the proposed cruise ship terminal at Pier 30/32, and the efforts by Scandinavia Center, Inc. to secure investment financing for the project. Seventy five percent of the necessary investment for Phase 2 has been committed by Scandinavian investors, and the remaining 25 percent is being sought from a local US investor to take the project through the environmental review process. After negotiating unsuccessfully with over 236 individuals and financial institutions, the Scandinavian investors have concluded that the economic climate for real estate development has deteriorated to a degree which makes funding extremely difficult.

The investors are asking the Commission for 18 months additional time in which to secure investors, as well as a rent waiver on the conference facility in the Ferry Building for this period. There will be quarterly reports to the Commission updating their progress.

The Commission discussed the request, weighing the advantages and disadvantages, and expressed some concern over the additional eighteen months. The Commission then instructed the director to negotiate specific terms under the development agreement with a regular program of updates to the Commission, and also get more specifics with regard to the EIR. Further, that this be done as a formal amendment to the development memorandum, and presented to the Commission for approval.

4. FINANCE & ADMINISTRATION

a) The Commission reviewed two financial reports for September, refunds and allowances and the status of accounts receivable, and approved refunds and allowances in the amount of $26,144.

5. PROPERTY & MAINTENANCE

a) On the consent calendar, staff requested deferral of items, L-11737, and L-117340. The Commission approved lease L-11736 for space in the Agriculture Building to Henry Bowles, engineering consultants.

b) The Commission authorized staff to offer through competitive bid a one year lease of Seawall Lots 324 and 322i for surface parking with a minimum acceptable bid of $32,180.01 per month, with the right to recapture all or part of SWL 322i upon sixty days notice. Commissioner O'Neill expressed concern that any fencing done in conjunction with this parking lot lease be aesthetically compatible with the area. Staff acknowledged his request, but noted that the fencing will be done by the adjoining tenant.

ACTION: Moved by Commissioner O'Neill, seconded by Commissioner Herman, carried.

Items c) and d) were deferred at the request of the attorneys for the two parties.

c) In response to a request for proposals for a management events firm for Pier 35, staff recommended awarding this contract to Waterfront Promotions, and sought authorization from the Commission to begin negotiations with this group for an event management lease. Staff will return within sixty days with a negotiated lease for Commission approval.

Michael Berline, chairman of the Citizens Advisory Committee for Fisherman's Wharf, congratulated the Commission for its selection of Waterfront Promotions, and urged support and encouragement of this group's endeavors.

Michael Gallette, Fisherman's Wharf Port Tenants Association, asked the Commission to remember in its negotiation of this lease, to honor its concern for and commitment to the continued production of Festa Italiana at this facility.

Esther"b" Woeste, member of the Waterfront Plan Advisory Board, asked Mr. Gallette how successful an event Festa is, and if the Port receives any financial benefit from it.

Mr. Gallette stated that this year's Festa was one of the most successful with an attendance of 35,000, and as a non-profit organization none of the proceeds from the event accrue to the Port or to any member of the Fisherman's Wharf Port Tenants Association.

Commissioner O'Neill inquired about the possibility of using Pier 45 for special events, and was informed that Shed A would be used for parking, Sheds B and D would be for fish processing, and in the interim , Shed C could be used for special events. The Commission asked for a projection as to when Pier 45 would be available. Staff will report on this matter at the next meeting.

In negotiating the lease with Waterfront Promotions, Commission O'Neill asked that they address three particular concerns: fleshing out the business plan; fiscal responsibility; what they propose for capital improvements at Pier 35.

ACTION; Moved by Commissioner Herman, seconded by Commissioner Halsted, carried.

The Commission next considered adoption of a policy to accommodate additional excursion vessel activity. Staff is recommending that portions of Pier 3 and Pier 9 should be offered for lease for excursion boat operations in order to maximize revenue opportunities, and to satisfy th needs of this water dependent industry. This policy pursuant to leases will incorporate the following basic terms:

1. The greater of an annual minimum rent or 5% to 75 of gross revenues. The actual percentage to be negotiated on a lease by lease basis.
2. Minimum rent equal to 75% of annual percentage rent payments.
3. Lease term of 5 years.
4. Rent credits for certain capital improvements.

ACTION: Moved by Commissioner Herman, seconded by Commissioner Halsted, carried approving Resolution No. 92-112 to adopt this policy and directed staff to prepare an announcement of availability of leases for the basing and operation of excursion boat vessels at Pier 3 and 9.

The sales and rent report for the months of July, and August 1992 were presented to the Commission, and it was noted that sales in all categories are up for the month of August.

Commission approval was requested for a Memorandum of Understanding between the Port and the Department of Public Works, to allow DPW to use a portion of SWL 354 as a staging area and for temporary storage of excavated soil while testing for hazardous material is conducted. This is a two year agreement and DPW will pay $9,889.80 per month for use of 82,415 square feet.

Commissioner O'Neill inquired if the fencing involved with this project will be architecturally agreeable, and remain as Port property at the completion of the project. Staff indicated that although this had not been part of the original negotiation, this issue would be addressed and the Commission will be informed.

ACTION: Moved by Commissioner O'Neill, seconded by Commissioner Halsted, carried.

6. MARITIME

The Commission was requested to authorize a three month extension of the management agreement with Stevedoring Services of America while negotiations continue on a new five-year contract. Staff is recommending the extension in the interest of providing uninterrupted service to our steamship line customers.

ACTION: It was moved, seconded, carried to approve a three month extension with Stevedoring Services of America under the existing terms and conditions.

7. PLANNING & ENGINEERING

The Commission reviewed a request by staff to advertise for bids to repair non-structural earthquake damage to various bulkhead buildings. This includes stucco damage to the exterior facades and plaster cracks in the interior of one of the buildings. The cost of the work is estimated to be $100,000 and is reimbursable by FEMA.

ACTION: It was moved by Commissioner Herman, seconded by Commissioner O'Neill, carried.

Item 7(b) was put over at staff's request.

The Commission next considered a request for modification to Dredging Contract 2558 with Dutra Construction Co., Inc. Staff indicated that the cruise ship Canberra is scheduled to visit San Francisco in January 1993 and Pier 35's east berth requires dredging to accommodate the vessel's 35 foot draft. Time constraints prohibit advertising a new contract for this work and it is suggested that the work be done under the existing contract. A new dredging contract is scheduled to be advertised when the full extent of the conditions of the Corps of Engineers' permit is known.

In response to Commissioner O'Neill's questions regarding the increase in total contract price, staff explained that due to changes in Corps of Engineers permitting requirements as well as other environmental agencies requirements, dredging by the Port over the past two years has been done on a piecemeal basis by modification, with the price per cubic yard remaining a constant $2.00 per cubic yard.

Zula Jones, Human Rights Commission representative, stated her objection to any further modification of the Dutra contract based on HRC's prohibition to further modify this contract under Section 12(d) of the Administrative Code. She cautioned against the Port Commission taking any action without first obtaining HRC's approval to modify.

Commissioner Halsted asked if HRC's approval was sought, would HRC staff cooperate in expediting the modification for this contract. Ms. Jones indicated that she would be willing to expedite the process although she could not say whether such approval would be forthcoming.

In the interest of accommodating the Canberra at Pier 35 Commissioner O'Neill asked if was possible to make Port approval conditional subject to HRC approval. This was agreed to with the Commission taking the following action.

ACTION: Resolution No. 92-116 was amended to approve the modification to Dutra Contract 2558 conditioned on approval by the Human Rights Commission, as moved by Commissioner Herman, seconded by Commissioner O'Neill, carried.

Commissioner Herman asked that staff present a report at the next meeting on what the 1993 dredging requirements will be, and from the director's point of view what is feasible, and what problems are anticipated.

NEW BUSINESS

Commissioner Herman asked what is the timeframe for construction of the Waterfront Transportation Project, and staff indicated that the first phase which will involve constructing landside improvements between Folsom on the north and Townsend on the south will run approximately 9-10 months. On the waterside, there will be another ten months of construction for a total of twenty months.

Commissioner Herman expressed grave concern for the safety of pedestrians amid the hazardous traffic conditions posed by this construction and the Port's liability in these matters. The director will send a letter to the Chief Administrative Officer notifying him of the Commission's concerns, and request a response to this issue.

There being no further business, the Commission meeting adjourned at 5:45 p.m.

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SAN FRANCISCO PORT COMMISSION

REGULAR MEETING WEDNESDAY, NOVEMBER 18, 1992 4:00 P.M.

3100 FERRY BUILDING, SAN FRANCISCO, CALIFORNIA

AGENDA

1. ROLL CALL

2. APPROVAL OF MINUTES

3. EXECUTIVE

A. Executive Director's Report
B. Financial Reports

4. CARGO SERVICES

A. Consent Calendar
L-11744, U.S. Customs Service Lease at 501 Army Street
L-11740, Stacey Witbeck Office Lease at Pier 38
Resolution No. 92-122

5. TENANT SERVICES

A. Consent Calendar
L-11724, Christopher Delaney, 375 Illinois Street, m/m, storage yard.
L-11731, Glesby Wholesale, SWL 354, m/m, warehouse.
L-11738, Limex Inc. dba O.C. Transport, 401 China Basin #110, 1 year, export offices
L-11739, Day Hilborn, dba, Hilborn Hoover Properties, 401 China Basin #132, 1 year, office.
L-11735, Stacey Witbeck, Dillingham, Pier 28, 30 months, construction office.
L-11741, Marine Express Co., Pier 26, 1 year, launch service operation
L-11742, Kingston Construction, Pier 26, 1 year, construction.
L-11743, Kinderhaven Inc., street encroachment permit, m/m, Embarcadero at Broadway, 1 year.
Resolution No. 92-119
B. Approval of First Assignment of United Shellfish Company Lease L-11973 to Guardino's Souvenir and Gift Shop Resolution No. 92-96
C. Approval of adjustment of percentage rent for Boondocks Restaurant.
Resolution No. 92-124
D. Approval of Pier 39 Lease Encumbrance Agreement
Resolution No. 92-120
E. Approval of Nondisturbance and Attornment Agreement Re: Seawall Lot 333, Site K
Resolution No. 92-121
F. Informational report on construction schedule for Pier 45, Earthquake damage repair project.

6. PLANNING AND COMMUNITY AFFAIRS

7. INTERNAL SERVICES

8. LEGAL

9. NEW BUSINESS

10. ADJOURNMENT

Public comment is permitted on any matter within Port jurisdiction, and is not limited to agenda items.

SAN FRANCISCO PORT COMMISSION
CITY and COUNTY OF SAN FRANCISCO
SUITE 3100 FERRY BUILDING

Wednesday, November 18, 1992 Commission Meeting

M I N U T E S

The San Francisco Port Commission met this date at 4 o'clock p.m. in regular session. In the absence of President Wong, Vice President Herman chaired the meeting.

1. ROLL CALL

PRESENT: James R. Herman, Vice President
Anne Halsted, Commissioner
Ming Chang, Commissioner
Francis J. O'Neill, Commissioner

ABSENT: Douglas Wong, President

2. APPROVAL OF MINUTES

The minutes of the meeting of October 28, 1992 were approved by motion of Commissioner Halsted, seconded by Commissioner O'Neill, carried.

3. EXECUTIVE DIRECTOR'S REPORT

The director updated the Commission on the progress of the City's Combined Charities campaign which is being coordinated this year by the Port. He reported that at the half way point, the sum of $351,000 has already been raised from the City's employees, putting us ahead of where we were at the same time last year. The campaign will end this Friday, and we are hopeful that we will break last year's record for raising funds for needy charities throughout the Bay area. Two employees who have been working especially hard during the campaign Pearl Chan, Accounting Manager and Fannie Chu, Senior Accountant were commended for doing an excellent job.

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The Port's financial statement for fiscal year 1992 was presented to the Commission. The Port is reporting net income or net profit of nine million dollars as compared with $3.5 million loss reported for 1991. Operating income for 1992 was $4.2 million against $1.7 million in 1991 representing a substantial turnaround from last year. Insofar as the capital program it is still largely unfunded, and our ability to fund it is premised on our ability to go out on the debt market and borrow additional money. The Port must continue to show positive financial performance in order to be able to borrow in the future to fund long-term terminal projects, as well as mandated environmental work, water quality in particular. The Port must develop a sustained record of profitability so that the bond markets will know we can sustain additional debt service.

The Commission accepted the Director's report by motion of Commissioner O'Neill, second by Commissioner Halsted, and carried.

4. CARGO SERVICES

Staff presented two leases, L-11744 and L-11740 for approval by the Commission:
L-11744, at 501 Army Street, the tenant is the U.S. Customs Service, and the space will be utilized as office space and is provided at "no charge" as customary for ports.

L-11740, Pier 38, tenant Stacy & Witbeck, for office space, at a monthly rental of $1,362.

ACTION: Moved by Commissioner O'Neill, seconded by Commissioner Halsted, carried.

5. TENANT SERVICES

On the consent calendar of leases, the Commission deferred L-11741 until the next meeting, and approved the following: L-11724, L-11731, L-11738, L-11739, L-11735, L-11742, L-11743.

ACTION: Moved by Commissioner Halsted, seconded by Commissioner Chang, carried.

Item 5(B) assignment of United Shellfish Company Lease L-11973 to Guardino's Souvenir and Gift Shop was deferred until the December 16, 1992 meeting.

C. The Commission reviewed and approved an adjustment of percentage rent for the Boondock's Restaurant from 8% on food sales and 10% on liquor sales to 7% on all sales. Staff has analyzed the market for comparable restaurant leases and believe 7% is the fair market rate for this restaurant.

ACTION: Moved by Commissioner O'Neill, seconded by Commissioner Halsted, carried.

D. The Commission was asked to consider a request by Pier 39 Limited Partnership for a third encumbrance to its lease. The lender, California Dept. of Boating and Waterways will loan $850,000 to Pier 39 to provide funds for the repair of the Pier 41 breakwater and fishing pier.

In addition to consenting to the third encumbrance, Port has agreed to furnish copies of all notices of default under the Lease to the lender and accept the lender's cure of Pier 39's defaults.

ACTION: Moved by Commissioner O'Neill, seconded by Commissioner Halsted, carried.

E. The Port Commission considered a request to enter into a Nondisturbance and Attornment Agreement with South Beach Family Associates. The nondisturbance agreement provides that in the event that both the Ground Lease and Development Sublease are terminated, South Beach Family Associates will attorn to the Port as landlord under the Development Sublease. In addition, the nondisturbance agreement provides that in the event only the Ground Lease is terminated, Site K, Inc. will attorn to the Port as landlord under the Development Sublease and the Port will step into the place of the Redevelopment Agency as landlord. The City Attorney has found the agreement satisfactory to form.

ACTION: Moved by Commissioner Halstd, seconded by Commissioner Chang, carried.

Commissioner Herman inquired about current Commission policy regarding subleasing of Port property, and asked staff to research this issue and report on the matter at the next meeting.

F. The Commission was presented with an informational report on the construction schedule for Pier 45, earthquake damage repair prepared by the Engineering staff. This damage included subsidence and cracking of floor slabs in all Sheds due to liquefaction of the slurry sand fill construction; interior and exterior walls damaged in all Sheds; racking and distortion of steel frames; and damage to reinforced concrete piles and damage to utility systems.

The repair project is divided into four phases:

Phase I - demolition of earthquake damaged slabs and interior improvements in Sheds A, B & C. Completed April 1992.

Phase II - Contract for compaction grouting to stabilize slurry sand fill under Sheds A, B & C. Contract pending completion of negotiations for Modification No. 13 to consulting contract.

Phase III - Final design for construction of the following:

*All structural repairs
*Potable and fire protection water systems
*Industrial and sanitary sewer systems with pumping station
*Electrical distribution system
*Approxaimtely six acres of new reinforced concrete slab.

Phase IV - Roofing of approximately six acres of new roof to parallel work of Phase II and completed at the same time. It is anticipated that Sheds A & B will be completed in April 1994 and Sheds C & D in late May 1995.

The design and construction costs of $13,254,000 will be funded by grants from the U.S. Economic Development Agency and the State of California and FEMA/OES, with the Port making up the difference.

The Commission accepted the report and expressed its appreciation to staff for the informational presentation, and asked that periodical reports be given on the progress of this project. Commissioner Halsted also asked for a status report on the construction schedule to repair earthquake damage at the Ferry Building, and Piers 27, 29, 48, and 70. Staff will comply with the Commission's request to report on these sites.

NEW BUSINESS

Mr. David Weiss of Consag Corporation presented a proposal for development at Pier 30/32 of an outdoor retail market comprising 500 different retail companies, craftmakers, food and entertainment purveyors. It is anticipated that this would be an interim use of the site pending the development of the proposed new cruise ship terminal. This was informational only and will be brought back to the Commission for formal action at a future date.

There being no further business, the Commission adjourned at 5:15 p.m.

INFORMATIONAL PORT COMMISSION AGENDA ITEM
FOR THE MEETING OF NOVEMBER 18, 1992
STATUS OF PIER 45 EARTHQUAKE REPAIR PROJECT

OVERVIEW

The Port Commission adopted the Fisherman's Wharf Commercial Fishing Industry Project Concept Plan in September 1987.

The Port Commission by Resolution No. 88-20 authorized staff to enter into a professional services contract with Moffatt & Nichol, Engineers in association with AGS,Inc and Kwan-Henmi Architecture and Planning (the Association). The purpose of this contract was to refine the Concept Plan and design the Fisherman's Wharf Commercial Fishing Industry Project which included the Hyde St. Harbor and Sheds B & D of Pier 45.

Work for this project was in process when the October 1989 Loma Prieta earthquake damaged Pier 45 and the Association was directed to work on the Pier 45 Earthquake Damage Repair Project to get the fishing industry back to work as quickly as possible. Work on the Hyde St. Pier was suspended to divert maximum Port resources to the Pier 45 Earthquake Damage Repair Project.

The damage included: subsidence and cracking of the floor slabs in all Sheds due to liquefaction of the slurry sand fill construction of the Pier; damage to interior and exterior walls of all Sheds; racking and distortions of the steel frames; damage to reinforced concrete piles and damage to utility systems.

PLANNED REPAIRS

The Earthquake Damage Repair Project involves demolition of earthquake damaged elements as noted above; pressure grouting of fill to improve the stability of the soil; repair of damaged steel frames, outside wall panels, wall support beams, reinforced concrete piles; construction of new utility systems; construction of new reinforced concrete floor slabs; and the construction of new interior walls and utilities.

PHASING

The Port Commission by Resolution No. 92-53 authorized staff to execute modifications to complete the design for the earthquake repair improvements. Staff is presently finalizing the scope of Modifications No. 13 & 14 which will authorize the consultant to complete the design and provide specialized construction oversight services during construction.

The Pier 45 Earthquake Repair Project is divided into four phases:

Phase I- Demolition of the Earthquake Damaged Slabs and interior improvements in Sheds A,B & C. This work was completed on April 17, 1992.

Phase II- The Port Commission by Resolution No. 91-101 authorized staff to advertise for bids and by Resolution No.92-26 authorized staff to award a contract for Compaction Grouting to stabilize the slurry sand fill under Sheds A, B & C. This design

was completed and bids were opened. The contract has not been processed pending completion of negotiations for Modification No. 13 to the consulting contract which includes geotechnical oversight services by AGS, Inc.

This work includes training Port staff for grouting work inspection and sophisticated on site testing which Port staff is not equipped to perform.

Staff anticipates that this modification will be finalized next week. It is anticipated that the construction work will be completed by June of 1993.

Phase III- Staff is presently preparing the scope for the final design. The work of this phase includes the construction of the following:

* All structural repairs as mentioned previously
* Potable and fire protection water systems
* Industrial and sanitary sewer systems with a pumping station
* Electrical distribution system
* Approximately six acres of new reinforced concrete slab

Phase IV- Roofing. It is anticipated that Port staff will perform the design and construction oversight for this contract. The roof construction of approximately six acres of new roof will parallel the work of Phase III and will be completed at the same time.

It is anticipated that the bidding documents for Phases III and IV will be completed in mid July 1993 and that the Phase III and IV construction will start late September 1993. It is anticipated that Sheds A & B will be completed in April 1994 and Sheds C & D in late May 1995.

COSTS & FUNDING

Construction Costs

Phase I	$ 307,233	(Actual)
Phase II	$ 1,163,000	(Bid)
Phase III	$10,479,000	(Estimate)
Phase IV	$ 1,299,500	(Estimate)
Audit	$ 5,000	(Estimate)
Total	$13,253,999	

Funding Sources

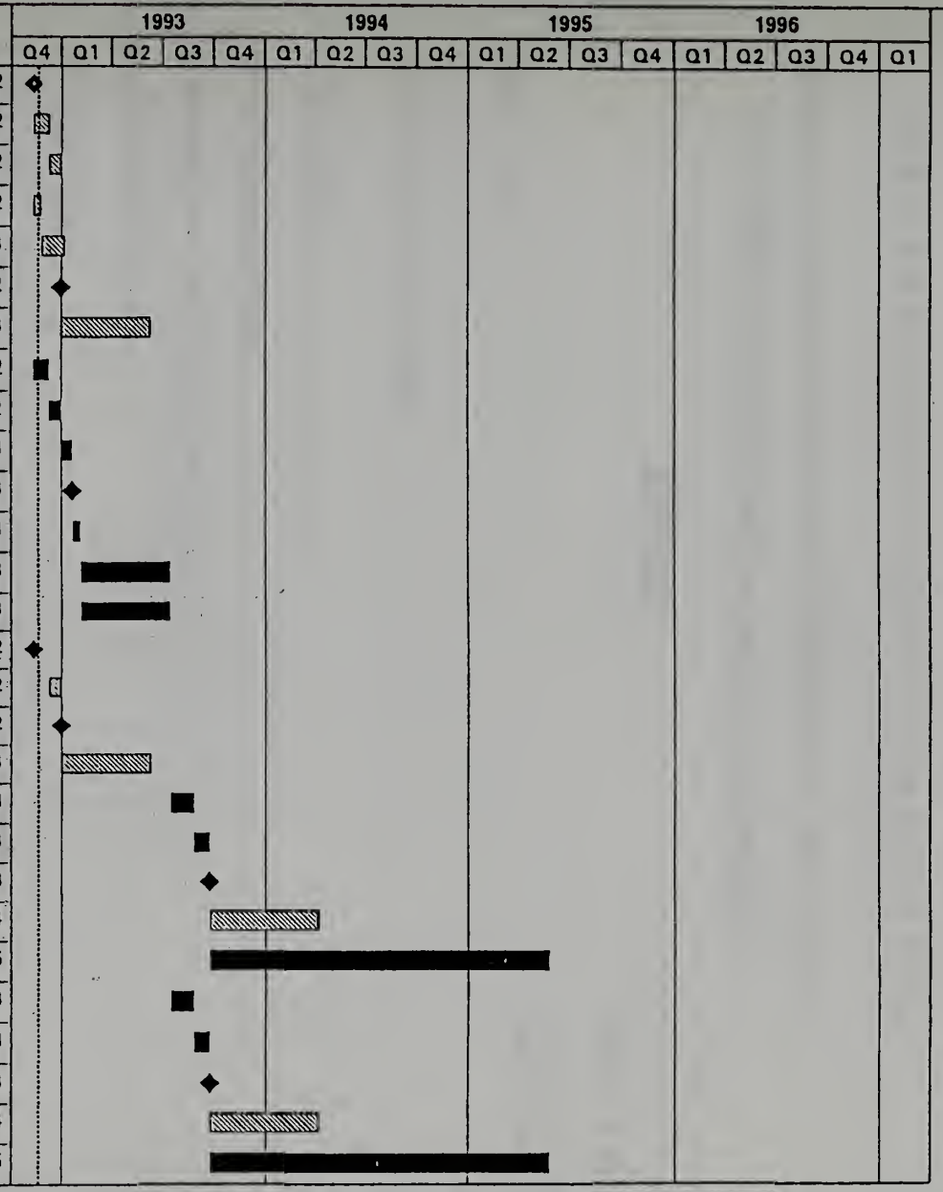
The design and construction costs will be funded by grants from the U. S. Economic Development Agency and the State of California and FEMA/OES (the exact amounts are presently being determined). Port funds will make up the difference.

PROJECT TEAM

The project team includes Anne Cook- Project Development Coordinator; Jim Macfarlan- Project Engineer; Carol Brown- Fisheries Consultant; the Association and Mandy Joslin- Fisherman's Wharf Manager for the Port.

PORT OF SAN FRANCISCO - PIER 45 EARTHQUAKE REPAIR PROJECT

ID	Name	Duration	Scheduled Star	Scheduled Finish
1	= = = = DESIGN = = = = = = =	0w	Nov 12 '92	Nov 12 '92
2	NEGOTIATE MOD, NO 13	4w	Nov 12 '92	Dec 9 '92
3	Certify Mod.13	3w	Dec.10 '92	Dec 30 '92
4	Study Shed D Design Alternative	2w	Nov 12 '92	Nov 25 '92
5	FEMA/BCDC Concurrance	6w	Nov 26 '92	Jen 6 '93
6	Notice to Proceed	0w	Dec 30 '92	Dec 30 '92
7	Compection Grouting Oversigh	23w	Dec 31 '92	Jun 9 '93
8	COMPL MODIFICATION NO 14	4w	Nov 12 '92	Dec 9 '92
9	Negotiete Mod.14	3w	Dec 10 '92	Dec 30 '92
10	Certify Mod. 14	3w	Dec 31 '92	Jan 20 '93
11	Notice to Proceed	0w	Jen 20 '93	Jan 20 '93
12	Complete Preliminery Design Rep	2w	Jan 21 '93	Feb 3 '93
13	Design Phase III	23w	Feb 4 '93	Jul 14 '93
14	Design Phese IV	23w	Feb 4 '93	Jul 14 '93
15	= = CONSTRUCTION = = = = =	0w	Nov 12 '92	Nov 12 '92
16	Certify Phese II	3w	Dec 10 '92	Dec 30 '92
17	Notice to Proceed	0w	Dec 30 '92	Dec 30 '92
18	Compection Grouting	23w	Dec 31 '92	Jun 9 '93
19	ADVERTISE PHASE III	6w	Jul 15 '93	Aug 25 '93
20	Open Bids/Certify Phese III	4w	Aug 26 '93	Sep 22 '93
21	Notice to Proceed	0w	Sep 22 '93	Sep 22 '93
22	Sheds A & B	28w	Sep 23 '93	Apr 6 '94
23	Sheds C & D	87w	Sep 23 '93	Mey 24 '95
24	ADVERTISE PHASE IV	6w	Jul 15 '93	Aug 25 '93
25	Open Bids/Certify Phese IV	4w	Aug 26 '93	Sep 22 '93
26	Notice to Proceed	0w	Sep 22 '93	Sep 22 '93
27	Sheds A & B	28w	Sep 23 '93	Apr 6 '94
28	Sheds C & D	87w	Sep 23 '93	May 24 '95



Project:
Date: 11/17/92

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SAN FRANCISCO PORT COMMISSION

REGULAR MEETING WEDNESDAY, DECEMBER 16, 1992 4:00 P.M.

3100 FERRY BUILDING, SAN FRANCISCO, CALIFORNIA

AGENDA

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1. **ROLL CALL**

2. **APPROVAL OF MINUTES**

3. **EXECUTIVE**

A. Executive Director's Report

B. Financial Reports - Revised Budget FY 1992-93

4. **CARGO SERVICES**

A. Consent Calendar

L-11746, Office space lease with Rosas Construction Company at 501 Army Street, 1-1/2 year lease term. Resolution No. 92-125

Approval of Third Amendment of Marine Terminal Agreement with Nedlloyd Lines Resolution No. 92-126

5. **TENANT SERVICES**

A. Consent Calendar

Lease L-11745, temporary auto storage, Pier 70, Pick Your Part, 11 months with option.
Lease L-11734, WTC 234(6), State Board of Pilot Commissioners, State Commission office, 3 years.
L-11747, Agriculture Bldg.102, Panelight Display Systems, storage/computers, month to month.
L-11741, Pier 26, Marine Express Co., launch service operation, 1 year.
Resolution No. 92-123

B. Report by Sibella Kraus on Demonstration Public Market held on September 12, 1992.

C. Approval of Agreement with Kenneth Burger, SWL 314, 5 years, gas station/car wash. Resolution No. 92-127

D. Sales and Rent report for September, 1992.

E. Approval of First Assignment of United Shellfish Company Lease L-11973 to Guardino's Souvenir and Gift Shop Resolution No. 92-96

F. Report on Port Commission Sublease Policy.

G. General Petroleum, Fisherman's Wharf, fuel dock.
Resolution No. 92-128

H. Extension of negotiation period for Pier 35 management lease.
Resolution No. 92-129

I. Informational report on construction schedule for Ferry Bldg., Earthquake damage repairs project.

J. Approval of Street Legislation action necessary for the North Embarcadero Segment of the Waterfront Transportation Project.
Resolution No. 92-130

6. PLANNING AND COMMUNITY AFFAIRS

7. INTERNAL SERVICES

A. Approval of a Cooperative Agreement between Port and CalTrans for Embarcadero Freeway Demolition Remedial Work.
Resolution No. 92-131

8. LEGAL

An executive session is calendared to discuss the proposed settlement of Long's Fish Co. v. CCSF, Superior Court No. 913-881. This office is of the opinion that based on existing facts and circumstances discussion of this matter in open session would prejudice the legal position of the Port. An executive session is specifically authorized under California Government Code Section 54956.9, subdivision (a).

An executive session is calendared to discuss the proposed Cooperative Agreement between the City and the State of California with regard to Pier 24 and 26. This office is of the opinion that based on existing facts and circumstances, there is a signficant exposure of litigation to the Port. An executive session is specifically authorized under California Government Code Section 54956.9, subdivision (b)(1).

9. NEW BUSINESS

10. ADJOURNMENT

Public comment is permitted on any matter within Port jurisdiction, and is not limited to agenda items.

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SAN FRANCISCO PORT COMMISSION
CITY and COUNTY OF SAN FRANCISCO
SUITE 3100 FERRY BUILDING

Wednesday, December 16, 1992 Commission Meeting

MINUTES

The San Francisco Port Commission met this date at 4 o'clock p.m. in regular session. All Commissioners were present.

1. ROLL CALL

PRESENT: Douglas F. Wong, President
James R. Herman, Vice President
Anne Halsted, Commissioner
Ming Chang-O'Brien, Commissioner
Francis J. O'Neill, Commissioner

ABSENT: None

2. APPROVAL OF MINUTES

The minutes of the meeting of November 18, 1992 were approved by motion of Commissioner Halsted, seconded by Commissioner O'Neill, carried.

3. EXECUTIVE DIRECTOR'S REPORT

Mr. Huerta reported to the Commission on recent legislation which will have serious impact on the cruise industry in California. A.B. 3769 was presented as an effort to prohibit the proliferation of "floating casinos" but in effect will forbid gaming on foreign ships in international waters. The loss of this ancillary income will force cruise lines to cut their presence in California. The cost to the State of California is estimated at over $82.5 million. A task force including the ports of Los Angeles, San Diego, San Francisco, and Humboldt Bay Harbor district will be introducing new legislative changes to A.B. 3769 in the upcoming session to restore the status quo. The ports will be seeking support for these changes from the cruise industry and the tourism industry.

In a further effort to stimulate the growth of the cruise industry on the West Coast San Francisco has joined with the ports of Portland and Seattle to pool our marketing resources in an effort to bring more ships to the West Coast from the Caribbean, East Coast and the Gulf. This work is getting underway and will focus on the major trade conference of the cruise industry which takes place in early 1993.

Condolences were offered to the families of three Port employees who died in the month of November. Tony Miller, electrician with the Crane department, Jeanette Pastrana, receptionist-telephone operator, Business Services, and Dr. Randy Rossi, Planning Consultant. Each in his own way contributed to the Port's strength and diversity and will be missed from our workday life.

Two financial reports were submitted for Commission review: status of accounts receivable for the month of November, and the revisions to the 1992-93 budget, which includes $3.6 million in expenditure reductions. As a result of a proposal for additional revenue by tenant services, $51,000 will be restored in the overtime budget for internal services necessary to retain the Fisherman's Wharf weekend clean-up service, .

The Commission accepted the revisions as presented by motion of Commissioner Herman, seconded by Commissioner O'Neill, and carried.

4. CARGO SERVICES

Under a consent calendar, staff presented Lease, L-11746 for office space at 501 Army Street for Rosas Construction Company for approval by the Commission, which was approved by motion of Commissioner Halsted, seconded by Commissioner Herman, carried.

The Commission next reviewed the third amendment of Marine Terminal Agreement with Nedlloyd Lines, which resulted from the discontinuance of trans-shipment operations in San Francisco. Nedlloyd has agreed to fulfill its guarantee for the just-completed contract year and return to the standard rate schedule in use with small and medium sized lines, thereby minimizing the Port's revenue loss as a result of the suspension of its hub service.

ACTION: Moved by Commissioner Herman, seconded by Commissioner Halsted, carried.

5. TENANT SERVICES

Coordinators for the Ferry Plaza Harvest Market, Sibella Kraus and Tom Sargent, reported to the Commission on the success of this one-day event held in early September in front of the Ferry Building. Judging from the enthusiastic and overwhelming number of people in attendance (approximately 10,000 over a 6-hour period), the sponsors feel the potential for a permanent public market adjacent to the future Embarcadero Plaza has been clearly demonstrated. The sponsors would like permission to operate a seasonal Saturday farmers' market on the site of the September event in the hope of building on public enthusiasm for a waterfront farmers' market, and in the tradition of an agricultural market on the Embarcadero.

Commissioner Halsted stated her support for such an endeavor, while expressing some concern for the overall logistics of its operation.

Commissioner Herman queried the sponsors on any traffic difficulties encountered during the September event, and questioned what impact the road construction work on the Embarcadero roadway would have on this project. Commissioner Herman said that there are already traffic safety and hazard conditions involved in the construction work along this road which will probably be exacerbated not diminished in the ensuing months.

President Wong asked about the economic returns from this type of venture for the Port, particularly since the sponsors are seeking to establish a permanent public waterfront market such as Pike Place or Granville Island.

The Commission asked staff to meet with the project sponsors for further discussion on these matters and come back in January with a more detailed proposal.

On the consent calendar of leases, the Commission deferred consideration of a lease at Pier 26, for the Marine Express Company (L-11741) until the first January meeting, and approved the following leases: L-11745, L-11734, L-11747.

ACTION: Moved by Commissioner Halsted, seconded by Commissioner O'Neill, carried.

Commissioner Herman questioned whether there was a need for additional water taxi service on San Francisco Bay, and indicated that it was at his request that this matter was being continued.

A representative from Marine Express Co. offered to answer any questions the Commission might have about the launch operation. Commissioner Herman referring to a letter from Mr. Randall Esch to the Port inquired whether his company employed any disabled persons, and Mr. Esch replied that United States Coast Guard policy requirements precluded his employing anyone on his vessel other than an able-bodied seaman. However, Mr. Esch said that he would hire a person with a disability to work in the office, if his business increased enough to hire additional personnel.

The Commission will consider this matter for action at the next meeting of January 12, 1993.

Staff requested that Item 5(C) be continued until the next meeting.

The Commission was asked to approve an assignment of the Joseph Svedise Lease to Guardino's Souvenir & Gift Shop located at Wharf J7, Pier 47. This lease provides for assignment with written consent from the Port, which consent cannot unreasonably be withheld. The premises which include a storage shed and freezer unit will continue to be used for the same purpose.

Discussion followed with regard to the Port Commission's rights under this covenant, and it was the City Attorney's determination that consent to this assignment should not be withheld.

Nan Roth, and Bob Tibbetts, of the Telegraph Hill Neighborhood Association, and Joel Ventresca, San Francisco Tomorrow protested the approval of the assignment, alleging that the new lessee did not intend the premises for the same use.

The Commission took the following action: moved by Commissioner O'Neill, seconded by Commissioner Chang, and carried.

Staff submitted a report to the Commission on the sublease policy of the Port Commission, in response to a request by Commissioner Herman. The report was accepted with no discussion.

The Commission next considered a request to approve a lease with General Petroleum Resources to operate a fuel dock at Fisherman's Wharf. Initially a temporary operation will be conducted until repairs to the permanent fuel dock are completed. Upon completion of repairs, this lease authorizes General Petroleum to operate on a month-to-month tenancy, and is not to exceed five years.

ACTION: Moved by Commissioner Halsted, seconded by Commissioner Chang, carried.

The Commission next considered a request to extend the negotiation period for the management event lease for Pier 35, due to the complexity of the regulatory permitting issues, as well as determining the best structure for the agreement. The Commission agreed to an extension of the negotiation period by an additional 60 days, until February 25, 1993.

ACTION: Moved by Commissioner O'Neill, seconded by Commission Halsted, carried.

Engineering staff, responding to a request by the Commission, submitted an informational report and schedule for earthquake repair work for the Ferry Building. The report detailed Stage 1 representing earthquake damage repair work under FEMA guidelines and Stage 2 representing earthquake mitigation work. Asbestos mitigation design work is scheduled for completion by late February 1993. Immediately thereafter, Stage I construction process will begin. The final engineer's estimate for Stage 2 asbestos abatement construction is not yet known, and FEMA has not as yet agreed to pay for all of this. The asbestos abatement construction cost estimate in scheduled to be submitted in late January 1993, after which the Port will request a supplemental Damage Survey Report to provide funds for this work.

The Commission accepted the report as presented.

The Commission was next requested to approve street legislation actions which are needed to accommodate the Water Transportation Projects. The required actions include vacation of portions of Vallejo Street, Davis Street, Green Street, and the dedication as public right-of-way of portions of Seawall Lot 324 and 314.

ACTION: Moved by Commissioner Halsted, seconded by Commissioner O'Neill, carried.

7. INTERNAL SERVICES

A. The Commission reviewed and approved a Cooperative Agreement between Caltrans and the Port in order that the City can receive $560,000 in state funds which will allow the Department of Public Works to perform Embarcadero Freeway demolition remedial work. This agreement will effectively transfer the funds and will satisfy the terms of the original MOU between Port and Caltrans.

ACTION: Moved by Commissioner O'Neill, seconded by Commissioner Halsted, carried.

8. LEGAL

An executive session to discuss a proposed settlement of Long's Fish Co. v. CCSF, Superior Court No. 913-881 was begun at 6:40 p.m. and the public was asked to withdraw.

At the conclusion of this part of the executive session, the City Attorney stated that no settlement had been reached in this matter.

The Commission continued in executive session, as previously noticed, for discussion of a proposed Cooperative Agreement between the City and the State of California regarding Pier 24 and Pier 26. At the conclusion of the executive session, the Commission authorized the Executive Director to accept the proposed agreement.

9. NEW BUSINESS

Commissioner Halsted asked the Commission to consider a memorial plaque to honor Randy Rossi, and suggested Pier 7 as a fitting location since Randy was so involved from its inception and contributed in such measure to its success. The Commission agreed and asked that staff follow up on this matter.

There being no further business, the Commission adjourned at 7:40 p.m.